

# LEGAL ANALYSIS OF THE EFFECTIVENESS OF LAW ENFORCEMENT AGAINST PERPETRATORS OF DATA FALSIFICATION IN PASSPORT PROCESSING (RESEARCH STUDY AT THE CLASS I SPECIAL IMMIGRATION OFFICE OF TPI BATAM)

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## Abstract

Data forgery in passport management is a form of crime that has serious implications for the integrity of the immigration system and national security. The Class I Special Immigration Office TPI Batam, as one of Indonesia's international gateways, is highly vulnerable to identity abuse by individuals or organized networks. This study aims to analyze the legal regulations governing sanctions against data forgery offenders, assess the effectiveness of their implementation in the field, and identify obstacles as well as formulate solutions that immigration officials can undertake to address these issues. This study employs normative juridical and empirical juridical research methods, using statutory and sociological (socio-legal) approaches. Data were obtained through literature reviews of regulations such as Law Number 6 of 2011 on Immigration, Government Regulation Number 31 of 2013 and its amendments, as well as Minister of Law and Human Rights Regulation Number 8 of 2014 in conjunction with Minister of Law and Human Rights Regulation Number 18 of 2022, and combined with interview results and field observations involving officials and the community at the Batam Immigration Office. The research findings indicate that although legal norms regarding the enforcement against data forgery have been formally established, the effectiveness of their implementation is still hindered by internal factors such as limited human resources, technology, and officer competence, as well as external challenges such as increasingly complex crime modes and weak inter-agency coordination. Law enforcement has also not fully reflected substantive justice nor been responsive to the social dynamics of the community. Therefore, it is necessary to strengthen institutional capacity, integrate national data systems, and enhance public legal literacy as more effective preventive and repressive measures in the future

**Keywords:** *Law Enforcement, Data Forgery Passport, Immigration Affairs.*

## 1. Introduction

The phenomenon of data falsification in passport applications presents a significant and growing challenge to the security and credibility of Indonesia's immigration system, particularly in areas with high levels of international mobility such as Batam. As an industrial and economic hub strategically located near Singapore and Malaysia, Batam has become one of the busiest points for passport issuance and immigration checks. The Class I Special TPI Immigration Office serves thousands of applicants each month, including Indonesian citizens and foreign nationals. This high traffic and strategic location make it an attractive target for individuals or groups attempting to falsify data to obtain passports illegally.[1] Data falsification may include altering birth certificates, using fake identity cards, changing personal details, or submitting forged supporting documents. Such practices not only undermine the integrity of state-issued travel documents but also create vulnerabilities for crimes such as human trafficking, illegal migration, terrorism, and identity theft.[2] The international nature of Batam's ports increases the risks because falsified passports can facilitate cross-border crimes. As a result, the integrity of immigration processes is not merely a matter of administrative order but also a critical aspect of national security and public trust.

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Indonesia has established a legal framework to address such threats. Law No. 6 of 2011 on Immigration provides a comprehensive basis for regulating passport issuance and prescribes criminal sanctions for those found guilty of falsifying data.[3] Ministerial regulations and internal directives further detail administrative processes and verification procedures. However, despite these measures, the number of detected cases of falsification remains significant. Reports from the Batam Immigration Office and other studies indicate that weaknesses persist in several areas, including technological readiness, human resources, coordination among agencies, and public awareness. These gaps suggest that legal instruments, while necessary, are not sufficient to guarantee effective enforcement. The challenge lies not only in the drafting of laws but also in their consistent and robust implementation. A critical question emerges: to what extent are these laws effective in practice, particularly in an environment with high administrative pressure and complex transnational mobility. This research seeks to critically analyze the juridical effectiveness of law enforcement against passport data falsification in Batam. It explores the application of legal provisions, identifies institutional strengths and weaknesses, and assesses deterrent effects. Using a juridical-empirical approach, the study combines normative legal review with empirical findings gathered from interviews, observations, and case analyses. The ultimate goal is to provide actionable recommendations to strengthen legal certainty, enhance institutional capacity, and support national efforts to maintain the credibility of Indonesia's passport issuance system and overall border security.

## 2. Literature Review

### 2.1. Immigration Law and Passport Regulation

Indonesia's immigration law frames the passport as a crucial state document, serving multiple functions: an official identification tool, proof of citizenship, and an authorization for international travel.[4] The legal foundation rests on Law No. 6 of 2011 on Immigration, which outlines the general rules for passport issuance, renewal, and revocation. Complementing this are Ministerial Regulations, such as the Regulation of the Minister of Law and Human Rights, which provide more technical instructions regarding administrative processes, requirements, and security measures. These legal instruments also set out sanctions for misuse or falsification, aiming to preserve the integrity of passports as secure travel documents. Despite these legal provisions, challenges persist in translating them into operational practice. For instance, while the law mandates thorough document checks, detailed guidelines for identifying and handling sophisticated forgery cases are still limited.<sup>7</sup> Some immigration offices, especially those in high-volume regions like Batam, continue to rely on manual document checks due to limited access to advanced technology. Even where biometric systems exist, they may not be fully integrated or consistently used. These gaps make the detection of forged or altered documents more difficult and create vulnerabilities that fraudsters can exploit. Thus, while the legal framework is comprehensive on paper, the absence of clear and uniform operational protocols undermines its effectiveness in the field.

### 2.2 Crime of Document Falsification

Document falsification is considered a grave offense in Indonesian criminal law, as well as in broader international legal contexts. It involves altering, fabricating, or using fake documents to obtain benefits or avoid legal requirements.[5] In passport applications, falsification can take the form of forged birth certificates, altered identity cards, falsified parental documents, or manipulated supporting records. The impact of such crimes is far-reaching: beyond administrative disruption, they compromise national security and public trust. Fraudulent passports can enable illegal migration, human trafficking, organized crime, and even terrorism. Scholars stress that strong deterrents are essential to combat these offenses. This includes strict penalties, proactive enforcement, and clear prosecution guidelines. Yet, it is equally important to maintain procedural fairness; not all irregularities stem from intentional fraud. Some applicants may unknowingly submit inaccurate or outdated information, or errors could arise from administrative lapses. Thus, the enforcement process must differentiate between malicious intent and genuine mistakes, applying proportionate measures to avoid unjust outcomes. Studies have also suggested that increasing public education on the consequences of data falsification and improving document literacy could reduce incidents of unintentional violations.

### 2.3 Juridical Effectiveness

Juridical effectiveness refers to the extent to which laws achieve their intended objectives when applied in real-world conditions. P.M. Hadjon distinguishes two main components: preventive legal protection and repressive

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legal protection.[6] Preventive measures aim to stop violations before they occur through strategies such as advanced verification systems, biometric identification, officer training, public awareness campaigns, and secure document design. Repressive measures, on the other hand, come into play after a violation is detected, focusing on investigation, prosecution, and punishment. Both aspects are critical for immigration law enforcement. Without preventive systems, authorities may be overwhelmed by cases and unable to efficiently identify falsified applications. Without repressive mechanisms, the absence of credible consequences weakens deterrence and encourages repeat offenses. However, juridical effectiveness does not depend solely on the law itself; it also requires institutional capacity, technology, funding, and inter-agency collaboration. In many regions, including Batam, enforcement gaps are often linked to resource constraints, outdated procedures, and lack of coordination among immigration offices, police, and prosecutors. Enhancing juridical effectiveness therefore means addressing not just the legal texts but also operational infrastructure and human factors that determine the success of implementation.

## 3. Methodology

This study adopts a juridical-empirical methodology, integrating legal analysis with field research to evaluate the effectiveness of law enforcement against passport data falsification in Batam. The juridical aspect involves examining relevant legal instruments such as Law No. 6 of 2011 on Immigration, related articles of the Indonesian Criminal Code, and implementing regulations issued by the Ministry of Law and Human Rights. This legal review is essential to understand the normative framework that governs passport issuance, the procedures for identity verification, and the sanctions imposed on offenders. At the same time, the empirical component focuses on gathering field data to assess how these laws and regulations operate in practice at the Batam Class I Special TPI Immigration Office. Primary data were obtained through interviews with immigration officers, investigators, and administrative staff directly involved in the passport issuance and enforcement process. These interviews were semi-structured, allowing respondents to share detailed information while ensuring consistency in the questions asked. Observations of the application and verification processes were also conducted to identify weaknesses in document examination and monitoring systems. Secondary data were gathered from official reports, internal documents, academic articles, and statistical records related to cases of document falsification in Batam. The respondents were selected purposively to ensure that the data collected reflected the perspectives of those most familiar with the operational and legal aspects of passport management and law enforcement.[7]

The study uses a descriptive-analytical approach to analyze the collected data. Legal provisions were compared with empirical findings to identify gaps between law and practice. Triangulation was applied by cross-checking information from interviews, observations, and documents to ensure accuracy and reliability. This approach made it possible to highlight critical themes such as institutional capacity, technological readiness, coordination among agencies, and the deterrent effect of legal sanctions. Validity was strengthened by consulting multiple sources and ensuring anonymity for respondents to encourage openness and honesty. While the research aims to provide a comprehensive analysis, some limitations were recognized. Access to sensitive case files and enforcement data was restricted, limiting the ability to fully examine every stage of legal proceedings. The focus on the Batam immigration office also means that findings may not fully represent practices across Indonesia. Nevertheless, the methodology offers sufficient depth to evaluate juridical effectiveness, drawing clear connections between legal theory, enforcement challenges, and operational realities. By combining normative legal analysis with field-based evidence, this study provides a robust basis for assessing current practices and formulating recommendations to strengthen law enforcement against passport data falsification.

## 4. Results and Discussion

### 4.1 Enforcement of Legal Provisions

Field findings show that the Batam Class I Special TPI Immigration Office has formally adopted the legal framework outlined in Law No. 6 of 2011 on Immigration and related ministerial regulations to deal with passport data falsification. Officers are instructed to conduct document verification, cross-check applicants' information with the national civil registry (Dukcapil), and deny or further investigate applications suspected of containing false information. These measures, in theory, provide a strong legal basis for safeguarding the integrity of passport issuance. However, in practice, their implementation is often hindered by operational constraints. Interviews with immigration staff revealed that while many officers are familiar with the procedures, not all have received adequate forensic training to detect increasingly sophisticated forgeries. Modern falsification techniques can produce documents that

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closely resemble official records, making visual inspection alone insufficient. Limited access to advanced tools, such as document scanners with forensic capability or integrated biometric verification systems, further complicates detection efforts. Although databases exist for cross-checking information, they are not always fully synchronized or accessible in real time, causing delays and gaps in verification. Another major challenge comes from the workload itself. Batam is one of the busiest gateways in Indonesia, serving as a transit point to Singapore and Malaysia, and processes thousands of applications every month. The sheer volume of requests places heavy pressure on officers to meet processing targets, which can result in reduced time for each verification and a higher risk of oversight. Some officers reported that under such circumstances, applications are sometimes processed based on partial checks to avoid long queues or public dissatisfaction. These realities demonstrate that there is a significant gap between the normative strength of immigration law and its operational application in the field. Without sufficient training, technological support, and human resources, even strong regulations cannot fully prevent fraudulent applications. This finding emphasizes the need for institutional strengthening, more robust technological integration, and continuous officer capacity-building to align practice with legal mandates..[8]

## 4.2 Challenges and Institutional Limitations

Institutional challenges emerged as a consistent theme throughout interviews and field observations, showing that the main obstacle to effective enforcement is not the absence of regulations but the limited capacity to implement them. One of the most pressing concerns is the restricted use of advanced technology. Although some biometric systems and electronic databases are in place, their integration remains partial. Many immigration officers still rely heavily on manual checks of supporting documents, which are prone to human error and vulnerable to manipulation. Sophisticated falsifications, such as high-quality counterfeit birth certificates or altered identity cards, are increasingly difficult to detect without digital tools and forensic analysis.[9] Budget constraints aggravate this technological gap. The allocation of funds for equipment upgrades, digital infrastructure, and specialized training remains limited. Officers often operate with outdated machines and software, making it challenging to match the speed and complexity of fraudulent practices. Several respondents noted that financial priorities are often directed toward other immigration functions, leaving enforcement units underfunded. The lack of investment in human capital is equally significant. Training programs are irregular and sometimes outdated, leaving officers ill-equipped to respond to evolving document fraud techniques.

Staffing shortages are another serious challenge. The Batam Immigration Office handles a high volume of passport applications daily, but the number of officers dedicated to verification and enforcement is insufficient. This imbalance causes fatigue, reduces vigilance, and increases the risk of oversight. In some cases, officers are required to process applications quickly due to service standards, which can inadvertently compromise the depth of scrutiny. Coordination with other agencies also remains problematic. Successful prosecution of passport fraud often requires collaboration with the civil registry, police, and sometimes international partners. However, communication channels are weak, and information-sharing platforms are not fully developed. Cases requiring multi-agency action often face delays, leading to missed opportunities for comprehensive investigation and prosecution. The absence of a formalized mechanism for coordination means that even when fraudulent activity is detected, it may not result in timely or decisive legal action. These institutional and operational weaknesses collectively diminish the deterrent effect of the law. They not only allow fraudulent applications to slip through but also undermine public trust in the immigration system. Without stronger institutional capacity, technology upgrades, and integrated inter-agency coordination, the gap between legal provisions and enforcement will continue to widen, leaving significant vulnerabilities in passport security.

## 4.3 Case Findings and Patterns of Fraud

Document reviews and field interviews revealed a range of patterns in passport data falsification that underscore the complexity of enforcement challenges in Batam. The most common violations involved forged birth certificates, altered identity cards, falsified parental data, and fabricated supporting affidavits.[10] These forgeries were often sophisticated, mimicking official government formats with convincing stamps, holograms, and signatures. Officers reported that while some falsifications were easily detected through routine checks, others required closer scrutiny or advanced forensic tools that were not always available. A particularly concerning finding was the involvement of organized networks or syndicates. Interviews indicated that some groups specialized in producing counterfeit civil documents and even coaching applicants on how to navigate the verification process without raising suspicion. These



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networks often charged significant fees, suggesting a profitable illegal market exploiting gaps in enforcement. Syndicates sometimes collaborated with insiders or intermediaries, highlighting the risk of internal vulnerabilities within administrative systems. Case files also showed that despite detection, many incidents were handled administratively. Fraudulent applications were often rejected or the documents confiscated, but few proceeded to full criminal prosecution. Officers admitted that the lengthy legal process, the need for extensive evidence, and potential reputational concerns made administrative measures more attractive. While this approach allows for efficiency and prevents system congestion, it limits deterrence. Offenders may view rejection as a minor setback rather than a serious risk, especially when penalties are not consistently applied. Interviews further revealed that some legitimate applicants were unintentionally caught up in enforcement actions due to clerical errors or outdated records in civil registries, indicating the need for better coordination and data integration. This blurred line between genuine error and intentional fraud complicates enforcement, requiring both precision and fairness in decision-making. Overall, these patterns highlight the urgent need for stronger detection systems, more consistent prosecutions, and clearer guidelines to ensure both efficiency and legal certainty.

## 4.4 Discussion of Legal Effectiveness

The findings point to a critical and persistent gap between legal provisions and their practical application in the field. While the legal framework governing passport issuance and data integrity is relatively comprehensive, including clear sanctions for offenders, the actual enforcement often falls short due to a combination of institutional, technological, and cultural factors. According to the concept of preventive and repressive legal protection outlined by Hadjon, the law must operate on two complementary levels. Preventive measures are designed to stop violations before they occur through systematic verification, specialized officer training, use of advanced technology, and public awareness campaigns. These measures create a protective environment where fraud risks are minimized. Repressive measures, on the other hand, come into play after violations are detected and involve investigation, prosecution, and application of criminal or administrative sanctions. Both are essential to create a robust deterrent effect and to maintain public trust in immigration systems.[11] In Batam, however, preventive efforts remain underdeveloped. Interviews revealed that many immigration officers are trained in basic document verification but lack advanced forensic skills necessary to identify high-quality forgeries. Technological infrastructure, while present in some forms such as biometric systems and digital records, is not fully integrated across agencies and often suffers from technical limitations. For instance, database access can be slow or incomplete, limiting the ability to cross-check documents against national civil registry records. The absence of real-time data sharing with other government bodies such as the police and civil registry also creates vulnerabilities. These weaknesses make it easier for falsified data to bypass the system, especially in high-volume offices like Batam, where officers are under pressure to process applications quickly.

Repressive measures are also underutilized. Although the law provides for clear sanctions, including imprisonment and fines, case files show that many incidents of document falsification are resolved through administrative actions such as rejecting the application or confiscating the falsified documents. Only a small fraction proceeds to investigation and prosecution. Several factors contribute to this: lengthy legal processes, limited investigative capacity, budget constraints, and sometimes reluctance to escalate cases due to concerns about institutional reputation. This situation reduces the perceived risk for offenders, who may view the chances of facing severe penalties as minimal. As a result, the deterrent effect of the law is weakened, and fraudulent practices can persist. Addressing these gaps requires a multifaceted approach. Investment in modern technology, such as integrated databases and advanced document scanning systems, is crucial to enhance preventive capacity. Strengthening officer training programs, particularly in forensic examination and fraud detection, will improve frontline defense. Inter-agency coordination must be improved, with clearer protocols for cooperation and information sharing among immigration offices, civil registries, law enforcement, and even international partners.[12] Public awareness is another critical element: educating citizens about the legal and ethical implications of data falsification can reduce the willingness to commit fraud. Finally, repressive measures must be applied more consistently and visibly to reinforce the seriousness of the offense. Transparent and firm prosecution not only punishes offenders but also signals institutional commitment to upholding the law. Ensuring officer accountability and regular monitoring can further strengthen enforcement. Only by combining strong preventive mechanisms with credible sanctions can the legal framework become truly effective in practice.

## **5. Comparison**

When evaluating the enforcement of laws on passport data falsification in Batam, it is important to compare local practices with both national standards and international best practices. Nationally, Indonesia has established a relatively strong legal framework through Law No. 6 of 2011 on Immigration, which clearly defines offenses related to data falsification and prescribes criminal sanctions.<sup>1</sup> Ministerial Regulations also provide technical guidelines, yet the findings in Batam reveal that implementation often lags behind these normative standards. For instance, while the law mandates biometric verification and cross-checking of identity records, many offices still rely heavily on manual document inspection. This gap between prescribed procedures and operational realities is not unique to Batam but is amplified by the city's high volume of applications and proximity to international borders, which increases both opportunity and risk for fraudulent practices. Internationally, countries facing similar challenges have made significant investments in technology and institutional reforms. For example, Singapore and Malaysia, two neighboring countries with similar traffic volumes, have adopted fully integrated immigration databases and real-time biometric verification systems.<sup>2</sup> These systems allow for faster and more accurate detection of forged documents, reducing the risk of fraud. Additionally, their enforcement policies emphasize not only preventive measures but also consistent prosecution of offenders, thereby enhancing the deterrent effect. Compared to these models, Batam's reliance on administrative resolution of fraud cases—such as rejection of applications without further legal action—appears less effective in discouraging repeat offenses.

Another key comparison lies in inter-agency coordination. In many advanced systems, immigration authorities work closely with civil registries, law enforcement, and even international databases to ensure data integrity.[12] Batam, however, still struggles with siloed operations. Interviews indicate that coordination with other agencies is often informal and ad hoc, which can delay or limit the sharing of crucial information. This lack of systematic collaboration makes it difficult to track repeat offenders or syndicates involved in document falsification. The comparison shows that enforcement is not just about the legal text but also about the network of institutions supporting it. Human resource capacity also presents a point of divergence. While Indonesian immigration officers are trained in the basics of passport issuance and verification, their training in document forensics and fraud detection is not as extensive as that of officers in some other countries. Many respondents noted that their workload is heavy, limiting the time available for detailed checks.[13] By contrast, immigration offices in countries with robust enforcement models often maintain more favorable officer-to-applicant ratios and continuous professional development programs. These comparisons make it clear that strengthening the enforcement of laws against passport data falsification in Batam requires more than revising regulations; it calls for institutional modernization, resource investment, and cultural change within immigration services. Learning from the practices of neighboring countries can guide reforms, particularly in technology adoption, inter-agency cooperation, and prioritization of both preventive and punitive measures.[14] Without these, the effectiveness of legal provisions will remain largely theoretical, and the risk of fraud will continue to threaten the credibility of Indonesia's passport issuance system.

## **6. Conclusions and Suggestion**

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

### **a. Legal Framework and Enforcement Gap**

The study shows that although Indonesia's Law No. 6 of 2011 and related regulations provide a solid foundation for addressing passport data falsification, implementation at the Batam Class I Special TPI Immigration Office is inconsistent. Many cases are resolved administratively rather than through prosecution, weakening deterrence.[15]

### **b. Institutional and Technological Limitations**

Enforcement is constrained by limited forensic skills, lack of integrated databases, and insufficient use of biometric verification. Officers often rely on manual inspections, making it difficult to detect sophisticated forgeries ertainty and raises concerns regarding accountability and data protection.

### **c. Human Resources and Coordination Issues**

Staffing shortages, heavy workloads, and weak inter-agency cooperation further reduce effectiveness. Collaboration with the civil registry and law enforcement remains informal, slowing investigations and limiting case follow-up.

**d. Patterns of Fraud**

The most common falsifications include forged birth certificates, altered identity cards, and falsified supporting documents. Some cases involve organized syndicates, yet most do not reach the court stage, reducing legal impact.

From these conclusions, the author can offer several recommendations, namely:

**a. Strengthen Preventive Measures**

Invest in modern technology, such as advanced scanning tools and integrated databases, to improve document verification. Expand training programs for immigration officers, focusing on forensic document analysis and fraud detection

**b. Enhance Repressive Measures**

Increase the number of cases brought to investigation and prosecution to create a stronger deterrent effect. Apply clear, firm sanctions and ensure transparency in enforcement to build public trust.

**c. Improve Coordination**

Establish formal protocols for collaboration between immigration offices, the civil registry, law enforcement, and international partners. Real-time data sharing will enhance detection and tracking of offenders

**d. Public Awareness and Education**

Conduct outreach programs to inform the public about the legal consequences of data falsification and the importance of accurate identity records. Awareness campaigns can reduce unintentional errors and discourage fraudulent behavior.

**e. Human Resource Development**

Address staffing shortages and improve the officer-to-applicant ratio. Provide continuous professional development and performance monitoring to maintain high standards

**Author Contributions:** A short paragraph specifying their individual contributions must be provided for research articles with several authors (**mandatory for more than 1 author**). The following statements should be used “Conceptualization: X.X. and Y.Y.; Methodology: X.X.; Software: X.X.; Validation: X.X., Y.Y. and Z.Z.; Formal analysis: X.X.; Investigation: X.X.; Resources: X.X.; Data curation: X.X.; Writing—original draft preparation: X.X.; Writing—review and editing: X.X.; Visualization: X.X.; Supervision: X.X.; Project administration: X.X.; Funding acquisition: Y.Y.”

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