Ratio Legis Journal
ISSN 2830-4624
published by
Master of Law, Faculty of Law
Universitas Islam Sultan Agung

The Role Of Immigration In Combating The Criminal Acts Of Passport Forgery

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Abstract. *Indonesia as a state governed by the rule of law requires legal development that is adaptive to modernization and globalization, including in the field of immigration, which regulates the movement of persons across borders through travel documents such as passports. However, the falsification of identity or documents to obtain or use passports remains prevalent despite criminal sanctions under Law No. 6 of 2011, thus necessitating firm immigration law enforcement to protect public interests and safeguard national and international security. This study aims to analyze the role of immigration authorities in combating passport forgery and to examine the obstacles/challenges faced by immigration authorities in addressing passport forgery along with the proposed solutions. This research employs an empirical juridical, descriptive-analytical approach by combining library research (statute, case, and comparative approaches) and field research (interviews/observation), using primary and secondary data collected through document study and interviews, which are then analyzed qualitatively through an inductive method to draw conclusions. The role of Immigration in combating passport forgery is strategic as part of its function in safeguarding state sovereignty through law enforcement carried out by Immigration Civil Servant Investigators (PPNS Immigration), who are authorized to conduct inquiries and investigations into immigration crimes, including the provision of false information and the use of counterfeit travel documents. Preventive measures include verifying the authenticity of documents, strengthening service procedures, cross-agency coordination, and the supervision of foreign nationals for early detection, while repressive measures involve enforcing the criminal provisions of the Immigration Law and cooperating with other law enforcement agencies. However, implementation faces internal obstacles such as the lack of integration between SIMKIM and population administration databases, limited trained personnel in document examination and investigation, and inter-agency data exchange that is not yet real-time, as well as external* *obstacles such as high cross-border mobility and advances in forgery technology that make criminal methods increasingly complex. Therefore, comprehensive system strengthening is required through improved infrastructure and data security, enhanced capacity building and continuous competency certification for officers, standardized SOPs accompanied by periodic audits, integrated inter-agency data and intelligence exchange mechanisms, and expanded technology-based document verification.*

Keywords: *Immigration; Passport; Role.*

1. Introduction

Indonesia, as a nation governed by the rule of law, mandates that all actions in state administration be based on law. Recognizing this, legal development must be incorporated into national development as an essential component. The importance of legal development as part of national development stems from the fundamental reality of the correlation between legal development and community development, ensuring that every citizen has equal standing before the law.[1]

Social changes in society in this era of modernization have undoubtedly significantly impacted the existence of law within society. Furthermore, the heterogeneity of society necessitates the constant development of law so that it can serve as a means of social engineering, as coined by Roscoe Pound, with the term "law as a tool of social engineering."[2]On the other hand, relations between citizens of one country and citizens of another country are also increasingly open, so that the mixing of social and legal changes from one country to another is very possible in the era of globalization. Therefore, referring to Alan Hasan's opinion, international law grants all countries the right and authority to exercise jurisdiction over people, objects, and actions that occur within their territory. This also means that each country has the right to formulate matters regarding traffic between countries, whether people, objects, or actions that occur within its territory. Regulations regarding traffic between countries that involve people in a country's territory are related to aspects of immigration that apply in each country, which have both universal and specific characteristics of each country according to the values and needs of its state.[3]

Along with the development of the current era and technology, the government has made special regulations for immigration crimes outside of other crimes,[4]so that it can be able to face the current global challenges that can have a major impact on the function and duties of immigration itself. The regulation of immigration crimes itself is regulated in CHAPTER IX of the criminal provisions of Law Number 6 of 2011 concerning Immigration. In Article 126 letter c of the immigration law which reads: "any person who intentionally provides invalid data or incorrect information to obtain a Republic of Indonesia Travel Document for himself or another person shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah)".

Article 126 letter c of the Immigration Law states that falsifying an identity document is a crime, and the perpetrator will be subject to sanctions as stated in the article. This clearly states that falsifying an identity document, whether a passport, visa, or other document, is prohibited or not permitted. Although this act is stated and regulated in the Immigration Law, there are still people who make fake passports or make passports with false or incorrect identities.

2. Research Methods

The research method is a process, principle, and procedure for solving problems through careful and thorough examination to increase knowledge, so this research uses an empirical legal approach (empirical juridical) by combining document/literature studies on laws and regulations and field studies to see the implementation of law in practice, supported by a statute approach, case approach, and a comparative approach to compare regulations between countries and find the suitability of principles and norm construction with the Indonesian context; the research specifications are descriptive analytical, namely describing the application of positive law and then analyzing it using theory, principles, doctrines, and regulations; the data used include primary data from interviews and observations at the Blambangan District Attorney's Office as well as secondary data from primary, secondary, and tertiary legal materials; data collection is carried out through document studies and interviews with flexible question guidelines; data analysis is carried out qualitatively with systematic grouping based on facts, inductive drawing of conclusions from field findings linked to theory, and descriptive analytical discussion to obtain a comprehensive picture and proof of the formulation of research problems.

3. Results and Discussion

3.1. The Role of Immigration in Combating the Crime of Passport Forgery

Based on Article 1 paragraph (3) of Law Number 6 of 2011 concerning Immigration, the Directorate of Immigration plays a vanguard role in border security and the administration of immigration affairs. In carrying out its functions, the Directorate of Immigration screens every person or thing that crosses the national border. This mechanism uses a selective principle, namely only parties who are deemed to bring benefits can be granted entry permits to Indonesian territory. Conversely, parties who are deemed to have the potential to disrupt security or are suspected of committing legal violations can be refused entry. Rejection of foreign nationals can occur for various reasons, for example using another person's identity (impostor), falsifying travel documents, expired documents, discrepancies between document data and factual conditions, and other relevant reasons.[5]

On the other hand, it should be emphasized that the provisions of Article 14 paragraph (1) of the Immigration Law stipulate that Indonesian citizens cannot be denied the right to return to Indonesia. The Indonesian government issues the Republic of Indonesia Travel Document (SPRI) or Indonesian Passport as an official

[5]Liza Emilia and Ida Nadirah. Application of Criminal Law to the Misuse of Immigration Permits According to Law of the Republic of Indonesia No. 6 of 2011 Concerning Immigration (Study at the North Sumatra Immigration Office). UNES Law Review, Vol. 6, No. 3, 2024, pp. 7886-7898.

document for Indonesian citizens. This document contains the identity of the holder, including a photo, signature, place and date of birth, and other personal data. Regulations regarding passports are regulated in Law Number 6 of 2011 and are further detailed through Minister of Law and Human Rights Regulation Number 8 of 2014 concerning Ordinary Passports and Travel Documents.[6]

The Directorate General of Immigration's 2024-2025 Performance Report describes a high influx of foreign nationals crossing through official channels. However, this data does not fully capture the number of illegal crossings or illegal immigrants, which is estimated to be quite large given the frequent occurrence of foreign nationals using forged travel documents or lacking valid entry permits.

The use of fake passports can be directed towards various purposes. One possible pattern is when a foreigner enters Indonesia illegally, then marries an Indonesian citizen, and then applies for Indonesian citizenship without following the legally required status change procedures. In such a scenario, the perpetrator may attempt to obtain a passport after first producing fake citizenship documents, such as a family card and ID card. Discrepancies are usually discovered when immigration authorities conduct inspections and investigations of the suspected parties.

In Law Number 1 of 2023 concerning the Criminal Code, the crime of forgery of documents, which was previously regulated in Article 263 of the old Criminal Code, has now been reformulated, especially in Article 391.[7]The elements include: (1) subjective aspect, namely the intention to use or order another person to use the letter as if it were true and not fake, with the awareness that its use could cause harm; and (2) objective aspect, namely the act of falsely making or falsifying a letter that could give rise to a right, obligation, debt relief, or which is intended as evidence regarding something. This act is subject to a maximum prison sentence of 6 years or a category VI fine. This provision also confirms that the use of a fake letter without contributing to it is still subject to the same penalty.[8]

Meanwhile, the Immigration Law places identity falsification and providing false information as acts that are considered serious, so that the sanctions are formulated firmly. This affirmation is reflected, among others, in Article 126 letter

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[6]Lailan Shafina and Muhammad Arif Sahlepi. Immigration Law Enforcement Against Foreign Citizens Who Abuse Visit Stay Permits in Indonesia. UIR Law Review, Vol. 8, No. 2, 2024, pp. 23-37.
[7] Dayana Jelita Humaira, Endra Syaifuddin, and Roli Pebrianto. A Legal Study of the Criminal Act of Forgery in Law Number 1 of 1946 with Law Number 1 of 2023. Journal of Legal Struggle, Vol. 4, No. 1, 2026, pp. 487-492.
[8]Teuku Putra Azis, Muhammad Hatta, and Muhammad Nasir. Immigration Crimes by Malaysian Citizens According to Article 126 Letter C and Article 127 of Law Number 6 of 2011 Concerning Immigration. Suloh: Journal of the Faculty of Law, Malikussaleh University, Vol. 10, No. 1, 2022, pp. 205-227.

c and Article 127 of the Immigration Law. Specifically, Article 126 letter c essentially regulates that anyone who intentionally provides invalid data or false information to obtain a Republic of Indonesia Travel Document for themselves or another person, is threatened with a maximum prison sentence of 5 (five) years and a maximum fine of Rp500,000,000.00 (five hundred million rupiah).

Immigration PPNS plays a central role in combating data falsification in passport applications because they are in a strategic position to detect, investigate, and prosecute acts of providing false information from the initial stages of service. Field findings through interviews with Mr. Faqih Ramadhani Prabowo (Head of Service and Travel Document Verification, Class I Non-TPI Pati Immigration Office) indicate that the thoroughness of the verification of the applicant's identity and documents serves as a decisive "initial filter": when there are indications of data discrepancies or doubts about the authenticity of documents, the verification results are documented and become the basis for further examination and coordination with PPNS, so that the law enforcement process can move quickly, be directed, and provide a deterrent effect.[9]

Normatively, the authority of the Immigration PPNS is based on Law No. 6 of 2011 concerning Immigration, specifically Article 105 which authorizes investigations into immigration crimes and Article 126 letter c which criminalizes the provision of invalid data/false information to obtain an Indonesian Travel Document (a criminal penalty of up to 5 years imprisonment and a fine of up to IDR 500,000,000). In practice, the series of PPNS actions includes detection and investigation through initial document examination, cross-verification with population databases and immigration records, utilization of technology (document scanning and biometric verification), and in-depth interviews with suspected applicants. The evidentiary stage is carried out by collecting application documents, verification results, statements from applicants and related parties, electronic data (communications and transactions), and forensic analysis support if necessary. Furthermore, at the investigation stage, the PPNS reconstructs the chronology of the application, checks the consistency of identity, summons and examines witnesses/suspects, conducts searches and seizures according to procedures, and even detains them if there is a risk of escape or destruction of evidence, so that the proof of the element of "false information" can be compiled systematically and accurately.

Repressive action through law enforcement against perpetrators of false information in passport applications serves to maintain the integrity and credibility of the immigration system, not merely punitive measures. Its effectiveness is supported by the application of proportional and consistent

[9]Henny Saida Flora, Criminal Liability of Perpetrators of Document Forgery in the Perspective of Indonesian Criminal Law. Journal of Legal Profiles, Vol. 4, No. 1, 2026, pp. 1-12.

sanctions to create a deterrent effect and reduce recurrence, accompanied by transparent case disclosures to strengthen public awareness and social control. From the apparatus' perspective, strengthening the capacity of Immigration Civil Servants (PPNS) is key through ongoing training (investigation, document examination, and mastery of procedural and substantive law), institutional strengthening such as a special forgery unit, and support for a clear career system to increase professionalism and accountability. Law enforcement also needs to be supported by technology to be able to address increasingly complex forgery methods. Furthermore, a cross-agency approach through coordination between immigration, the police, the prosecutor's office, and related institutions is needed to accelerate information exchange and the handling of syndicate cases, while public campaigns and immigration law education strengthen prevention by building a culture of community compliance. [10]

3.2. Obstacles and Solutions Faced by Immigration in Combating the Crime of Passport Forgery

Immigration law recognizes two forms of law enforcement: administrative enforcement through Immigration Actions and enforcement through the judicial process. In the implementation of immigration actions, authority rests with the Immigration Civil Servant Investigator, whose scope is very broad. Therefore, the assessment of whether a case needs to be pursued through pro justisia through the judicial process is ultimately determined by the Immigration Officer (Immigration PPNS). Immigration Actions are understood as administrative actions in the field of immigration outside the judicial process; although they are a form of law enforcement, on the other hand, these actions are not included in the subsystem of the Criminal Justice System, but rather administrative actions based on administrative law.[11]

The Immigration Law, which regulates the entry and exit of foreigners into Indonesia, and the oversight carried out by immigration offices in collaboration with law enforcement officials, is understood as Ultimum Remedium. This understanding positions the law's function as both a means of maintaining order in society and as part of the government's criminal policy.[12]

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[10]Rony Makasuci and Yelia Nathassa Winstar. Imposing Sanctions on Members of the Indonesian Police from the Perspective of Legal Certainty. Collegium Studiosum Journal, Vol. 7, No. 1, 2024, pp. 234-252.

[11]Okky Chahyo Nugroho, Law Enforcement Against Foreigners at the Denpasar Class I Immigration Office and the Special Class I Immigration Office of I Gusti Ngurah Rai Airport. De Jure Legal Research Journal, Vol. 17, No. 2, 2016, pp. 231-247.

[12]Albert Sanusi, Law Enforcement Against Criminal Acts of Misuse of Immigration Residence Permits (Study of the Class I Bandar Lampung Immigration Office). Fiat Justisia: Journal of Legal Studies, Vol. 10, No. 2, 2016.

In the investigation of violations of Law Number 6 of 2011 concerning Immigration by Immigration Civil Servants (PPNS), the process does not always proceed smoothly and sometimes encounters various obstacles. These obstacles make it difficult for investigators to solve a case or clarify a criminal case. These obstacles can stem from both internal and external factors:

1. Internal Barriers

a. Immigration technology infrastructure is inadequate

The Directorate General of Immigration has introduced biometric-based electronic passports (e-Passports) as a strategic step to strengthen identity security and prevent misuse of travel documents. However, the effectiveness of this innovation is determined not only by the sophistication of the biometric chip, but also by the accuracy of the data ecosystem that supports the verification process. This is where the most crucial internal obstacle arises: SIMKIM is not yet fully integrated and synchronized with population databases and other related databases required for identity verification. As a result, applicant identity validation often relies on data that is not always up-to-date, in different formats, or not automatically updated in real time.

This lack of integration creates gaps in the verification process, as officers may discover "data misalignment" between the information submitted by the applicant and the information stored in the referral system. Small discrepancies, such as variations in name spelling, changes in residency status, updates to addresses, or corrections to other data elements, can have two potential consequences:

1) slows down the service process because it requires repeated checks and clarifications;

2) increases the risk of verification errors when data comparators are not consistently available.

Without comprehensive integration of SIMKIM with the population database, e-Passports risk only strengthening the security layer of the final product, while remaining vulnerable at the point of entry, namely the initial identity verification. This situation could open up opportunities for those intending to manipulate identity data to exploit data asynchronously. Therefore, cross-system data integration and synchronization are crucial prerequisites for truly accountable digital immigration transformation.

b. Limited human resources (HR) and bureaucratic processes.

The effectiveness of immigration oversight is fundamentally determined by the quality of human resources, particularly the ability of officers to operate service technology and understand document inspection procedures accurately. However, a prominent internal obstacle in the field is the limited number of officers properly trained and certified in the field for examining travel documents. When human resource capacity is inadequate, the verification process tends to be normative without in-depth analysis of document authentication indicators, forgery patterns, or identity anomaly detection techniques, which should be the core of initial oversight.

Limited advanced training makes officers more vulnerable, often emerging at the earliest stages of service. These include, for example, discrepancies in document quality, irregularities in printing patterns, inconsistent security markings, discrepancies between photographs and current physical characteristics, and the use of supporting documents that appear legitimate but are actually fabricated. In situations of high queues, officers lacking experience and knowledge of forgery methods tend to rely on superficial inspections. As a result, applicants with forged documents are more likely to slip through the cracks, as the loopholes arise not from a lack of regulations but from a lack of competence in implementing inspection procedures.

A further impact of these human resource constraints is that the burden of law enforcement shifts to a more difficult stage, namely when the passport has already been issued or when violations are only detected after the document has been used. This situation complicates the process of proving the case, requiring retracing the administrative chain, clarifying identities, and even cross-unit investigations, all of which could have been prevented with rigorous initial verification.

c. Inter-agency Coordination

The immigration authorities' inbound and outbound passenger databases are fundamentally a source of information for detecting unusual mobility patterns, multiple identities, and risky travel histories. However, when this data isn't quickly and accurately linked to other law enforcement agencies, the risk assessment process tends to be fragmented. As a result, field inspections often rely on documents submitted by applicants or internal verification results, rather than on cross-agency data-driven risk mapping.

The lack of real-time information validation and updating delays early detection, especially in cases requiring a rapid response. For example, when a subject is being monitored for suspected criminal activity, a change in prevention/deterrence status, or a connection to a document forgery network, this information should ideally be immediately "read" in the system when officers conduct an inspection.

If data exchange is still periodic, manual, or dependent on formal requests, then this time lag can be exploited by perpetrators to outpace the system. At the passport service level, similar gaps arise when travel history, entry/exit patterns, or supporting identity data cannot be immediately matched with external sources, depriving officers of crucial context for assessing whether the application contains any indication of manipulation.

These real-time data coordination barriers ultimately create a gray area that benefits passport counterfeiters, as oversight becomes disjointed and responses between agencies become inconsistent. The more complex the fraud scheme, the greater the need for a fast, secure, and standardized data-sharing system. Without an integrated information exchange mechanism, each agency is left with its own fragmented information, shifting detection opportunities from prevention to post-incident action.

2. External Barriers

a. High population mobility

The high population mobility and surge in international travel post-pandemic are the external obstacles most pressing on immigration oversight capacity. In congested crossings, identity and travel document verification at service points is required to proceed expeditiously to avoid queues and service disruptions. At the same time, document security standards must be maintained, as ICAO emphasizes that passport authenticity is a global issue directly related to border security.

High mobility creates avenues for perpetrators to disguise anomalies. As the volume of applications and crossings increases, opportunities for multiple checks tend to narrow due to time constraints and workloads. This situation is then exploited by cross-border networks to insert convincing fake identity documents or to construct applications that appear normal on the surface. In this context, the main obstacle is not simply the incompetence of officers, but rather the external environment, which diverts officers' attention to the sheer number of cases they must process in a short time.

The higher the mobility, the greater the variety of travel motives and the complexity of crossing patterns, making the need for risk mapping even more pressing but also the most difficult to address as the burden increases. This is why the post-pandemic surge in international traffic can be considered a major external obstacle: it increases the opportunities for syndicates to infiltrate through normal schemes, while simultaneously straining the system's ability to thoroughly verify each case evenly.

b. Advances in Counterfeiting Technology

Modifications to genuine passports can be made using techniques such as replacing data pages, manipulating printed elements, and even re-engineering certain security features to make them appear authentic to initial inspection. Consistent with findings in the UNODC report, the use of graphic design software significantly improves the quality of forgeries, making it increasingly difficult to distinguish genuine documents from fakes through simple inspection.

When fake or modified passports make it past initial inspection, risks include drug smuggling, human trafficking, and other national security threats that exploit cross-border mobility. Therefore, the main challenge is always remaining one step behind in the technological race between authorities and criminal networks, as perpetrators continually adapt, while the adoption of sophisticated verification tools remains uneven.

The solution to the above obstacles is:

1. Strengthening supporting infrastructure

Strengthening the supporting infrastructure for redundancy of audit trail servers, encryption, and semi-offline/queueing features in units with weak connectivity so that verification does not depend entirely on network conditions and still produces consistent data-based decisions.

2. Human resource competency capacity improvement program

An effective model is competency-based training and certification for verification officers and civil servants (PPNS), covering document examination, security feature authentication, risk profiling, and basic investigative techniques relevant to identity forgery. To maintain consistent quality amidst the service load, it is necessary to establish a pattern of on-the-job mentoring and coaching, regular case simulations, and material updates to reflect the latest forgery patterns. Strengthening human resources must also be accompanied by restructuring of personnel distribution and the establishment of small specialist document examination units (document examination focal points) to prevent high-risk cases from being handled superficially.

3. Workflow simplification

Handling requests and investigations requires the use of concise yet firm standard operating procedures (SOPs), based on checklists and risk indicators, so that decisions are not held hostage by multiple procedures. Implementing a case management system that regulates disposition flows, deadlines, and quality control will help reduce administrative time. To address vulnerabilities arising from variations in practices between offices, SOPs must be standardized nationally, accompanied by regular internal audits.

4. Building an integrated data and intelligence exchange mechanism.

Integration of watchlists and cross-agency prevention/deterrence status into the audit system, along with protocols, ensures data exchange adheres to confidentiality and data protection principles. Furthermore, the establishment of joint operational tasks for identity fraud cases will facilitate a more coordinated inter-agency response.

5. Technology-based document inspection

Strengthen technology-based document inspection across the board by providing document authentication devices and e-Passport chip readers at every service unit, and consistently implementing biometric verification (facial/fingerprint matching), especially for high-risk applications. This step must be accompanied by ongoing technical training for officers, the establishment of a reference center/document inspection expert desk for difficult cases, and procedural audits to ensure detection quality is independent of specific locations and individuals.

4. Conclusion

The role of Immigration in combating passport forgery is strategic as a guardian of sovereignty through preventive functions (verifying the validity of documents, strengthening service procedures, supervision, and cross-agency coordination for early detection) as well as repressive functions through the Immigration PPNS (investigations and enforcement of criminal articles of the Immigration Law together with other law enforcement agencies). However, its implementation is hampered by internal factors such as unintegrated technological infrastructure, limited trained human resources, and data coordination that is not yet real-time, as well as external factors such as cross-country mobility and advances in forgery technology; therefore, the solutions needed include strengthening data systems and security, improving officer competency/certification, simplifying and standardizing SOPs with regular audits, integrating inter-agency data-intelligence exchange, and expanding technology-based document inspections.

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