



## **Beware of Indonesia's immigration law**

Seafarers entering or leaving the Indonesian Territory without valid entry and exit stamps in their travel documents may face substantial fines, and even imprisonment.

Published 02 September 2024

A Gard Member recently experienced difficulties with the immigration authorities in Indonesia when the crew surrendered documents including crew passports as a formality upon arrival. One of the crew members had a discrepancy in his passport involving the lack of an 'exit stamp' from a previous call to Indonesia. The vessel was advised there could be a fine, or the possible imprisonment of the crew member, and that legal actions could include detention of the vessel while the matter was heard in court.

The discrepancy arose as the itinerary for the vessel's previous call to Indonesia had originally included two successive port calls in the country and the crew member had therefore planned to obtain his exit stamp prior to leaving the second Indonesian port. However, due to a change of plans, the second Indonesian port call had been cancelled and the vessel had travelled to the Philippines instead. The unfortunate crew member had therefore left Indonesia without obtaining the required exit stamp in his travel documents. While in this particular case, nothing further came of the matter and the crew and vessel were cleared, it is important to note that any discrepancies involving passport stamps, especially entry/exit for Indonesia, has the potential to create serious problems for ship operators and their crews.

This is not the first time a Member has faced issues with immigration authorities in Indonesia. In 2019, a vessel entered with Gard had to prolong her stay in Indonesia by more than 60 days. Since visa overstays exceeding 60 days in Indonesia are subject to fines and potential imprisonment, the ship operator and crew members faced potentially serious legal actions. The vessel was due to call another Indonesian port immediately after this one, but fortunately the local agent was able to arrange for the vessel to depart Indonesian Territory and to call at the nearest port at Timor, before proceeding to the next port of call in Indonesia. In this case, the vessel's interests had to pay an immigration fine, as well as the extra cost incurred by the required diversion to Timor.

#### The law

Indonesia's Immigration Law, Law No. 6 of 2011, regulates the entry and exit of all foreign citizens to and from Indonesia, including the required documents, visas and permits. It also regulates the enforcement of immigration rules and the levy of both criminal and administrative sanctions in the event of violations. The following provisions of the Immigration Law have been highlighted by our local correspondent, SPICA Services (Indonesia):

- *Overstays of more than 60 days are a criminal offence under Indonesian law.*
- *\*Each person who enters or exits Indonesian territory must have a valid Travel Document. \**
- *The definition of a "Travel Document" is according to the Immigration Law a "Passport". The Seaman Book is NOT considered a "Travel Document".*
- *\*Each person must have an Indonesian Entry and Exit stamp in their passport. \**
- *Foreign citizens who enter and/or exit the territory of Indonesia without valid Entry or Exit stamps in their passport can be imprisoned for up to 1 year and fined up to IDR 100,000,000 (approx. USD 7,000).*
- *Any carrier (owner, manager, agent, and master) who do not comply with the above provisions and enters and/or exits the territory of Indonesia may also be imprisoned for up to 1 year and receive a fine of up to IDR 100,000,000 (approx. USD 7,000).*
- *As the fine is considered a criminal sanction, the amount of the fine shall be set by the District Attorney/Prosecutor and the final amount determined by the court.*

#### Recommendations

Members and clients with vessels trading to Indonesian ports are advised to familiarize themselves with the country's current Immigration Law and ensure that all crew members have valid passports and correctly entered entry/exit stamps.

According to SPICA, the Immigration Officer may board the vessel and conduct an immigration investigation. In case of a suspected violation the Officer can collect travel documents, summon the person to be interviewed as the witness/suspect, and confiscate the document or goods, including the vessel, which relate to the immigration violation.

An English translation of Indonesia's Immigration Law is available here:

[http://ilo.org/dyn/natlex/natlex4.detail?p\\_isn=89341](http://ilo.org/dyn/natlex/natlex4.detail?p_isn=89341)

Further information can also be found here:

<https://balibusinessconsulting.com/overstay-in-indonesia-violation-of-the-immigration-act/>

*We are grateful to SPICA Services (Indonesia) for providing the above information.*