

Juridical Analysis Of The Effectiveness Of The Golden Visa Policy In Improving The Level Of Compliance With Immigration Regulations From The Perspective Of Immigration Law And Administration (A Research Study In Batam City)

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ABSTRACT

The Golden Visa policy is one of the strategic instruments within Indonesia's immigration system, aimed at attracting foreign investors by granting long-term residency rights based on a particular investment value. Its implementation is regulated by Law No. 6 of 2011 on Immigration, Government Regulation No. 40 of 2023, Ministry of Law and Human Rights Regulation No. 22 of 2023, and Ministry of Immigration Regulation No. 3 of 2025. This research is motivated by the importance of examining the effectiveness of the policy in increasing compliance with immigration regulations, especially in Batam City, a strategic border area with high foreign investor mobility. This research aims to analyze the Golden Visa policy's legal regulations, assess the effectiveness of its implementation in improving compliance with immigration regulations from a legal and administrative perspective, identify obstacles, and formulate relevant solutions. The methods used are normative and empirical juridical approaches, supported by primary data from interviews and observations at the Batam Immigration Office and secondary data from legal literature and relevant regulations. The research results indicate that although the legal framework for the Golden Visa has been systematically established, there are still weaknesses in the synchronization of norms and the technical guidelines for its implementation. On the implementation side, this policy has contributed to improved administrative compliance by foreign investors; however, challenges remain in the form of structural obstacles, legal culture, and supervisory capacity. Therefore, regulatory improvements, enhanced legal literacy for visa holders, administrative service reforms, and synergy among relevant agencies are needed to ensure that the effectiveness of this policy operates optimally within the corridors of justice, certainty, and legal benefit.

Keywords: *Effectivity, Golden Visa, Juridical Analysis*

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INTRODUCTION

The ever-evolving landscape of global mobility necessitates that nations develop immigration policies that effectively balance the imperative of national security with the potential for economic advancement through the attraction of foreign investors. A notable policy innovation that has gained widespread adoption is the Golden Visa, which serves as a long-term residence permit for foreign nationals, contingent upon specific investment criteria (Suparlan, 2020). This program is inherently structured to draw foreign investment while ensuring legal assurance for investors eager to participate in the advancement of the host nation (Kusumo, 2022).

In Indonesia, the Golden Visa is implemented within the legal structure established by Law No. 6 of 2011 regarding Immigration, Government Regulation No. 40 of 2023, and the Regulation of the Minister of Law and Human Rights No. 22 of 2023. This policy will enhance foreign direct investment (FDI) while fortifying the immigration administration framework. A pivotal domain for executing this policy is Batam City, which, due to its proximity to Singapore and Malaysia, possesses the designation

of a Special Economic Zone (SEZ). Batam is a significant portal for international visitors entering and departing from Indonesia, characterized by notable mobility (Rahmat Hidayat, 2020).

Nonetheless, the efficacy of the Golden Visa policy in enhancing adherence to immigration regulations is still open to scrutiny. Numerous instances involving violations of stay permits, overstaying, and improper use of immigration permits reveal deficiencies in the oversight and execution of policy (Diah Sari, 2021). One of the fundamental aims of the Golden Visa is to establish a legal and administrative framework that can enhance the credibility of the immigration system.

From a legal standpoint, the efficacy of a policy is influenced by both the quality of the regulations and the community's institutional framework and legal culture. Lawrence M. Friedman (1975) elucidates that the legal system comprises three elements: legal substance, legal structure, and legal culture, which must be harmonized. Within the framework of the Golden Visa, legal substance is established by formal laws; nonetheless, its efficacy is significantly contingent upon the capabilities of immigration authorities and the adherence of visa holders to their commitments.

Moreover, Gustav Radbruch (1946) underscored that the law must reflect the principles of fairness, legal certainty, and utility. The execution of the Golden Visa must be examined in terms of its ability to instill certainty for investors, deliver economic advantages to the local community, and maintain the principle of fairness to avert social disparity.

This research is essential to evaluating the efficacy of the Golden Visa policy in enhancing adherence to immigration procedures in Batam City while concurrently identifying challenges and devising appropriate remedies. I aim to offer theoretical advancements in the evolution of immigration law in Indonesia and practical advantages for the government in formulating more efficient immigration management strategies.

RESEARCH METHOD

This study utilized normative and empirical juridical methods. The normative juridical approach involved an examination of pertinent laws and regulations, including Law Number 6 of 2011 on Immigration, Government Regulation Number 40 of 2023, Minister of Law and Human Rights Regulation Number 22 of 2023, and additional supporting regulations. This normative juridical analysis evaluates the Golden Visa policy's consistency, alignment, and legal authority within the Indonesian immigration framework (Soekanto & Mamudji, 2019).

The empirical juridical approach was employed to assess the practical implementation of the Golden Visa policy, particularly at the Batam Class I Special Immigration Office (TPI). Primary data were collected via in-depth interviews with immigration officials, field officers, and holders of Golden Visas. Furthermore, direct observations of the administrative service process and immigration oversight mechanisms were carried out. Secondary data was gathered via a library study of legal literature, scientific journals, and official documents about immigration policies at both domestic and international levels. The utilized legal sources comprised:

1. Primary legal materials include laws and regulations pertinent to immigration and investment policies.
2. Secondary legal materials include doctrines, research findings, and expert opinions.
3. Tertiary legal materials include legal dictionaries, encyclopedias, and various supporting sources.

The analysis employed descriptive qualitative techniques, connecting field findings to the legal theoretical frameworks of Gustav Radbruch's Theory of Legal Purposes, Lawrence M. Friedman's Theory of Legal Systems, and Law Compliance Theory. This analysis evaluates the degree to which the

Golden Visa policy aligns with principles of justice, legal certainty, and benefit, alongside its effectiveness in enhancing compliance with immigration law in Batam City.

RESEARCH RESULT

1. Legal Arrangements of the Golden Visa Policy

A recent development in the immigration system, Indonesia's Golden Visa policy, allows foreign people who invest a specific amount to be granted long-term residency cards. Normatively, this policy's legal foundation may be found in:

- Law No. 6 of 2011 concerning Immigration,
- Government Regulation No. 40 of 2023,
- Minister of Law and Human Rights Regulation No. 22 of 2023 concerning Visas and Residence Permits, and
- Minister of Immigration Regulation No. 3 of 2025.

According to the research, the rule offers a clear legal framework for Golden Visa holders' conditions, steps, rights, and responsibilities. In actuality, though, several holes have been found. For instance, central and regional authorities continue to interpret the legislation about the minimum investment value differently. Furthermore, comprehensive technical regulations do not cover the monitoring process following the permit issuance. As a result, immigration law compliance monitoring is still not as successful as it could be.

2. Effectiveness of Implementation in Batam City

Batam City was selected as the study site owing to its strategic geographic position, closeness to Singapore and Malaysia, and designation as a special economic zone (SEZ). Data from the Batam Class I Special Immigration Office (TPI) indicates that implementing the Golden Visa policy has significantly increased the number of investment-based visa applicants. The initial year of deployment documented several applications, predominantly from Singapore, Malaysia, China, and South Korea.

The introduction of the Golden Visa in Batam has yielded numerous favorable outcomes:

1. Administrative compliance has been enhanced, including reporting locations, registration of residences, and fulfillment of tax responsibilities.
2. Legal stability has been more effectively preserved, as Golden Visa holders typically possess a definitive legal standing and are less susceptible to infractions.
3. Investment appeal has risen, especially in the manufacturing, logistics, and tourism sectors. Foreign investors indicated that the assurance of long-term resident permits fosters a sense of stability in corporate operations.

Nonetheless, effectiveness has not been completely realized. The analysis identified ongoing infractions, including instances of overstaying, improper use of residency permits for non-investment purposes, and delayed reporting of locations. This suggests that despite reducing infractions since the implementation of the Golden Visa, there remains a necessity to enhance oversight and outreach efforts.

3. Barriers to Implementation

According to field research, normative, structural, and cultural factors are the main barriers preventing Batam from implementing the Golden Visa, specifically:

- a. Normative barriers: Technical regulations, especially those about investment requirements and permit renewal procedures, are sometimes subject to various interpretations. Because of this, it is challenging for immigration officers to make consistent decisions.
- b. Structural barriers: Control over foreign nationals' mobility is not as reasonable as possible due to a shortage of immigration officers and technology surveillance capabilities.
- c. Legal culture barriers: Visa holders continue to have poor legal awareness. Some Golden Visa holders see a residence permit only as an "administrative status," unaware of the legal responsibilities that come with it.

- d. Obstacles to interagency coordination: There is now overlapping oversight in the field due to suboptimal synergy between immigration, law enforcement, and municipal governments.

4. Solution Found

1. Following the investigation and discussions with immigration officials, many pertinent alternatives were suggested:
2. Enhancing regulations, especially with technical implementation standards, to prevent ambiguous interpretations.
3. Engaging and informing Golden Visa holders of their legal responsibilities in Indonesia.
4. Enhancing the capabilities of immigration personnel and infrastructure, including implementing information technology systems to oversee the movement of foreign nationals.
5. Enhancing inter-agency collaboration, especially with law enforcement, municipal authorities, and additional regulatory bodies.
6. Enhancing state revenue by reallocating tax payments and administrative costs from Golden Visa holders to fortify the immigration oversight system.

5. Special Field Findings in Batam

Alongside quantitative data, the study also observed some significant phenomena:

- a. Foreign investors find Batam appealing for investment because of its closeness to Singapore; many express dissatisfaction with the protracted bureaucratic processes.
- b. Immigration officials recognize that the Golden Visa has mitigated abuse of short-term stay permits, since investors now possess a more defined legal position.
- c. Violations predominantly occur among foreign nationals accompanying family members, as these families frequently fail to adhere to administrative reporting laws.
- d. Establishing a cohesive digital (singular data) system is imperative to enable real-time access to foreign national data across agencies.

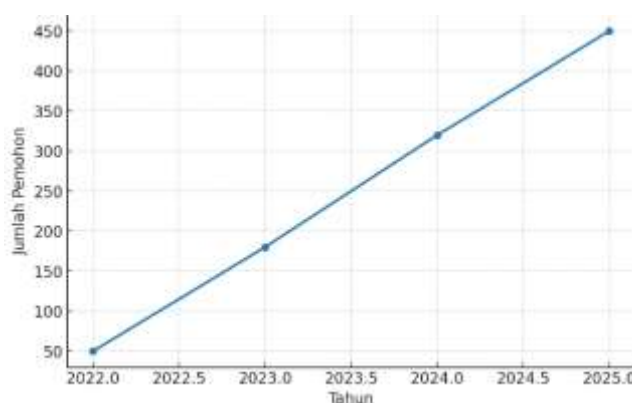


Chart 1. Trend in the Number of Golden Visa Applicants in Batam (2022-2025)

The graph illustrates a notable rise in Golden Visa applicants in Batam during the last four years. In 2022, the applicant count was approximately 50, reflecting the recent introduction of the policy. As 2023 commenced, there was a notable increase in the number of applicants, reaching 180, attributed to the government's enhanced promotional efforts highlighting the advantages of the Golden Visa. In 2024, there was a notable increase in the number of applicants, rising to 320, and this trend continued in 2025, with the total reaching 450.

This increase indicates that the Golden Visa has become a significant tool for attracting foreign investors. A long-term residence permit offers investors a significant level of security, especially for those from neighboring countries like Singapore, Malaysia, China, and South Korea. This is consistent

with Radbruch's theory of legal utility, which posits that effective laws should yield measurable advantages for society and the state. The Golden Visa presents a dual advantage: investors secure legal certainty, and the state benefits from increased investment.

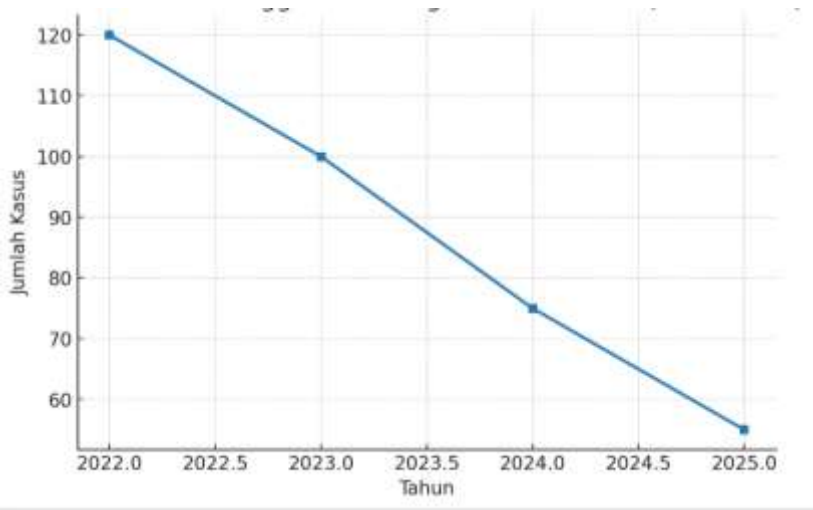


Chart 2. Trends in Immigration Violations in Batam (2022-2025)

After the Golden Visa policy was implemented, the number of visa violations in Batam decreased, as shown in the graph above. In 2022, 120 violations were found, most involving overstaying and abusing short-term work permits. When 2024 came around, the number of cases dropped even more, to 75. By 2025, there were only 55 left.

This drop shows that the Golden Visa is working to reduce violations, since foreigners who spend and have long-term residence permits are more likely to follow the law. They think it is clear what their legal standing is and that they are allowed to stay longer, which lowers the risk of being caught. This fact backs up Tyler's (1990) Legal Compliance Theory, which says that people follow the law more when they are afraid of getting in trouble, believe the rules are fair, and are given benefits to do so.

Putting the two graphs together shows a linked pattern. The drop in immigration violations is happening while more people apply for Golden Visas. This means that the rate of immigration violations goes down as more foreign companies use the Golden Visa. This backs up the study idea that the Golden Visa is an economic and legal tool that can make the immigration system more orderly and follow the rules.

DISCUSSION

1. Legal Regulations for the Golden Visa Policy

According to research findings, the Golden Visa policy in Indonesia is legally sound, as evidenced by Law No. 6 of 2011 concerning Immigration, Government Regulation No. 40 of 2023, and Minister of Law and Human Rights Regulation No. 22 of 2023. Nevertheless, the fact that technical regulations, including the minimum investment requirement and the mechanism for extending stay permits, have been interpreted in numerous ways suggests that legal certainty has not been completely achieved. According to Gustav Radbruch's Theory of Legal Bases, sound law necessitates the harmonious interplay of utility, justice, and legal certainty (Radbruch, 1946). One of the foundational elements of legal certainty is undermined if regulations remain ambiguous.

Lawrence M. Friedman (1975) further substantiates this perspective by emphasizing that the legal system comprises three components: legal substance, structure, and culture. The legal substance is

established in the context of the Golden Visa; however, the legal structure, which is characterized by the legal culture of the foreign community and the readiness of immigration institutions, is not yet at its most optimal. The research conducted by Anggoro Widiyanto (2019) also revealed that the inconsistent nature of visa regulations in Indonesia has led to a decrease in investor confidence. Consequently, regulatory harmonization is necessary for the Golden Visa to be genuinely effective.

2. Effectiveness of Implementation in Batam City

The research findings indicate a substantial rise in Golden Visa applications in Batam, increasing from 50 in 2022 to 450 in 2025. Simultaneously, immigration violations diminished from 120 in 2022 to 55 in 2025. This finding illustrates that ensuring long-term residency permits fosters administrative compliance among foreign nationals, including reporting their locations and permission renewals. This corresponds with Law Compliance Theory, which posits that adherence might increase not only owing to the prospect of penalties, but also because of the validity of rules and the availability of incentives (Tyler, 1990).

These findings correspond with the research conducted by Rahmat Hidayat (2020), which underscores the significant impact of investment-based visas in enhancing immigration compliance in border regions. This study further emphasizes that the efficacy of administrative compliance is also affected by the legal protection provided by long-term resident permits. Foreign investors perceive the Golden Visa as a guarantor of legal stability, increasing their propensity to engage in vital areas such as manufacturing, logistics, and tourism in Batam.

Studies indicate permit misuse, especially among foreign nationals sponsoring family members. Certain family members lack comprehension of the residence permit's legal responsibilities, leading to reporting delays. This indicates that the policy's efficacy is confined to administrative dimensions, but legal awareness has not been entirely realized.

3. Implementation Barriers

Obstacles to executing the Golden Visa can be categorized into four dimensions: normative, structural, legal culture, and inter-agency cooperation. Normative barriers manifest in technical restrictions allowing interpretation, such as concerning supplementary requirements for visa holders in investing endeavors. Structural hurdles emerge from the insufficient number of immigration officials in Batam, which is inadequate relative to the substantial influx of foreign nationals. Legal cultural hurdles emerge when certain visa holders perceive residence permits as simple administrative formalities, lacking comprehension of their legal responsibilities. Coordination difficulties emerge from the inadequate synergy among immigration authorities, local governments, and law enforcement agents.

This scenario exemplifies a disparity in Friedman's legal framework, wherein the legal substance is unequivocal, yet the legal structure and culture remain inadequately robust (Friedman, 1975). The findings align with Diah Sari's (2021) research, which identified inadequate supervision in border regions as a significant factor contributing to residency permit infractions. Consequently, the primary impediment to the execution of the Golden Visa resides not just in normative regulations but also in the institutional ability and legal understanding of visa holders.

4. Policy Optimization Solution

This study proposes various strategic measures to enhance the Golden Visa policy. Initially, enhance regulations to guarantee they are coherent and devoid of ambiguous interpretations. This corresponds with Satjipto Rahardjo's (2006) assertion that law should be responsive to societal needs rather than strictly conforming to normative texts. Secondly, enhance legal literacy by outreach to visa holders and their families to ensure comprehension of their legal obligations. Third, the capabilities of immigration

officials can be enhanced by improving human resources and implementing information technology, such as a unified data system to monitor the real-time locations of foreign nationals. Fourth, collaboration among agencies is essential for comprehensive immigration oversight.

This solution is consistent with Stevani A. Br Tarigan and Janpatar Simamora's (2024) findings, which highlight the necessity for targeted regulations and enhanced legal protections for Golden Visa investors. This policy will enhance investment and fortify the national immigration system through regulatory harmonization, legal education, and the digitization of the oversight system.

5. Assumptions and Implications

The research findings suggest that the efficacy of the Golden Visa policy is contingent upon three primary factors: regulatory uniformity, the preparedness of the immigration institutional framework, and the legal understanding of visa recipients. Should these three forces operate in unison, compliance with immigration law will rise. This research underscores the government's need to establish an incentive-driven immigration system bolstered by digital technologies. Simultaneously, the theoretical implication is to enhance immigration law studies by substantiating that incentives, such as long-term residence permits, can effectively promote legal compliance.

CONCLUSION

1. The following legal frameworks adequately legitimize the Indonesian immigration system's Golden Visa policy: Law Number 6 of 2011 concerning Immigration, Government Regulation Number 40 of 2023, Regulation of the Minister of Law and Human Rights Number 22 of 2023, and Regulation of the Minister of Investment and Management Number 3 of 2025. These frameworks authorize the issuance of visas and residence permits to foreign investors. This policy is intended to enhance compliance with immigration regulations by implementing an incentive mechanism for long-term residence permits that includes investment requirements, as seen from the perspective of immigration law and administration. However, to guarantee legal certainty, administrative efficiency, and policy transparency in the field, it is still necessary to enhance the harmonization between agencies and the implementation of norms.
2. The Golden Visa policy's implementation in Batam City has positively impacted compliance with immigration regulations, including improving administrative order, residence permit extensions, and reporting among visa holders. The efficacy of this policy is substantiated by the profile of foreign investors, who are typically from developed countries and possess a relatively high level of legal cognizance. However, field evaluations have indicated that legal compliance is not yet entirely compliant, and administrative violations are still being detected, particularly during the data updating and reporting phases.
3. Legal aspects, including ambiguous technical norms, overlapping authority between central and regional agencies, and administrative obstacles, such as limited human resources and technological infrastructure, hinder Batam's Golden Visa policy. Obstacles were identified from a sociological perspective, such as the lack of legal literacy among visa holders, the tolerance of administrative violations, and the distrust among confident investors regarding the consistency of law enforcement.

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