

Policy Concept for Granting Temporary Stay Visas for Foreign Citizens Who Want to Work in Indonesia

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Abstract. The policy for granting visas to foreign nationals who wish to work in Indonesia is limited. A limited stay visa is granted to carry out activities: a. to work; and b. not in working order. Providing visas for foreign citizens who wish to work in Indonesia is a process regulated by Indonesian laws and regulations. A work visa is a permit required by foreigners to live and work in Indonesia. Work visas have a certain validity period, and foreign nationals must extend or renew their visas by applicable regulations. This involves administrative processes and payment of additional fees. The granting of temporary stay visas is regulated in PP Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2013 concerning Implementing Regulations of Law Number 6 of 2011 concerning Immigration.

Keywords: Policy; Temporary Stay Visa; Foreigner; Indonesia.

1 Introduction

Indonesia is one of the countries that is the destination of many foreigners looking for work opportunities. This country has rich natural resources, rapid economic development, and an industrial sector that continues to grow. To meet the need for foreign workers, the Indonesian government has formulated a policy of granting temporary stay visas for foreign citizens who will work in Indonesia. This policy covers various aspects, such as the types of visas available, requirements that must be met, and application procedures.[1]

The policy of granting temporary stay visas for foreign citizens who will work in Indonesia is the result of various considerations. One of the main considerations is the need for foreign workers to support various economic sectors, such as mining, construction, tourism, and manufacturing. Apart from that, Indonesia also runs various large project development programs, which require the involvement of foreign workers with certain skills.[2] Apart from economic aspects, other considerations include fulfilling international cooperation agreements, promoting cross-border cooperation, and increasing foreign investment in Indonesia. The Indonesian government has collaborated with various countries to facilitate the mobility of foreign workers, which also includes providing temporary stay visas. Therefore, work has a very important meaning in human life, so that everyone needs work. Work can be interpreted as a person's source of income to meet the living needs of himself and his family.

Granting temporary stay visas to foreign citizens who will work in Indonesia includes several types of visas that are appropriate to the purpose and length of stay. Several types of visas that are usually given to foreign nationals who will work in Indonesia include:[3]

1. Limited Visit Visa (VITAS):

This visa is given to foreign citizens who will work on certain projects in Indonesia. This visa has a certain time limit according to the project they are involved in.

2. Limited Stay Visa (KITAS):

This visa is given to foreign citizens who will live and work in Indonesia for a longer period. This visa is often given to expatriates employed by companies in Indonesia.

3. Permanent Stay Visa (KITAP):

After several years of living and working in Indonesia with KITAS, foreign citizens can apply for a permanent residence visa if they meet certain conditions.

Meanwhile, foreign citizens who plan to work in Indonesia must fulfill several general requirements. These requirements include:[4]

1. Employment Contract:

Foreign nationals must have a work contract with a legal company or institution in Indonesia that will employ them. This employment contract states the terms of employment, salary, and job responsibilities.

2. Reporting Certificate (STM):

An STM is a letter of initial approval from the relevant government agency indicating that there is work available and that a foreign national can be hired. STM is issued by the Ministry of Manpower.

3. Health Checkup:

Foreign nationals must undergo health checks to ensure that they do not carry diseases that could endanger public health. This examination usually includes a physical health examination and examination for certain infectious diseases.

4. Passport and Previous Residence Permit:

Foreigners must have a valid passport and must have a valid prior residence permit (visa) if they are already in Indonesia.

The Indonesian government has an important role in formulating and implementing policies for granting temporary stay visas for foreign citizens who will work in Indonesia. Several government institutions related to granting work visas include the Ministry of Manpower, Ministry of Law and Human Rights, Ministry of Foreign Affairs, and Indonesian Embassies and Consulates in various countries. Apart from that, advocate organizations, immigration agents and legal consultants can also assist foreign citizens in processing the work visa process in Indonesia. They can assist with filing documents, completing administrative procedures, and providing information regarding the latest rules and regulations.

Providing temporary stay visas for foreign citizens who will work in Indonesia is an important step in supporting the mobility of foreign workers and economic growth in Indonesia. This policy sets out the types of visas available, the requirements that must be met, and the application procedures. By having clear and legally based procedures, Indonesia can attract qualified foreign workers and ensure that they comply with applicable regulations and rules. These steps support sustainable economic development and the growth of the industrial sector in Indonesia.

The government's role in this program is emphasized in the aspects of guidance and protection and providing various conveniences to related parties, especially Employment Agents and Indonesian Worker Placement Services Companies (hereinafter abbreviated as PJTKI). The placement of migrant workers in the country is also a national program to improve the welfare of workers and their families as well as develop the quality of human resources. The placement of foreign nationals in the Inter-Country Employment Program

(AKAN) is carried out by utilizing the international job market by improving the quality of workforce competency with optimal protection from before departure while working abroad until arriving back in Indonesia.[5]

2 Problems

The problem in this paper is the problem surrounding the Policy for Granting Temporary Stay Visas for Foreign Citizens Who Want to Work in Indonesia, viewed from the perspective of Government Regulation Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2013 concerning Implementing Regulations of Law Number 6 of 2021 2011 About Immigration.

3 Method and Approach

3.1 Method

The method used in writing this applied paper is a descriptive-analytical method, namely by using data that clearly describes problems directly in the field, then analysis and conclusions are drawn to solve a problem. The data collection method is through observation and literature study to obtain solutions to problems in preparing this paper.

3.2 Approach

Normative juridical approach, namely the juridical approach method used to examine problems in terms of law and statutory regulations, namely rules that can be used as a basis for examining problems and their legal consequences, in this case namely Government Regulation Number 48 of 2021 concerning the Third Amendment to Regulations Government Number 31 of 2013 concerning Implementing Regulations of Law Number 6 of 2011 concerning Immigration.

A normative juridical approach carried out on certain statutory regulations or written law, relating to the Policy for Granting Temporary Stay Visas for Foreign Citizens Who Want to Work in Indonesia, viewed from the perspective of Government Regulation Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2021 2013 concerning Implementing Regulations of Law Number 6 of 2011 concerning Immigration.[6] This research describes the situation of the object under study, namely focusing on the Policy for Granting Temporary Stay Visas for Foreign Citizens Who Want to Work in Indonesia, viewed from the perspective of Government Regulation Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2013 regarding Law Implementation Regulations Number 6 of 2011 about Immigration in practice.

4 Discussion

4.1 Temporary Stay Visa Application Process in Indonesia

The temporary stay visa application process in Indonesia involves several important steps:[5]

1. **Application Submission:**
Foreign citizens submit visa applications to the Indonesian Embassy or Consulate in their home country. They also need to apply for a residence permit (KITAS) after arriving in Indonesia.
2. **Document Inspection:** The authorities will examine the documents submitted, such as employment contracts, STM, and health examinations.
3. **Health Checkup:**
Foreign nationals must undergo a medical examination at a medical facility designated by the Indonesian government.
4. **Fee Payment:**
There is usually a fee that must be paid to obtain a work visa. These fees vary depending on the type of visa and the foreign citizen's country of origin.
5. **Security Check:**
Indonesian authorities will carry out security checks before a visa is granted.
6. **Announcement of Decision:**
Monitoring decisions are usually announced to foreign nationals submitting visa applications. The announcement process must be transparent.
7. **Appeal Process:**
Foreign nationals who are dissatisfied with a supervisory decision have the right to appeal. Advocate organizations or legal consultants usually assist in the appeal process.

Foreign citizens who wish to work in Indonesia must pay attention to several important factors so that they can follow the applicable procedures and requirements. Some factors that need to be considered are:[7]

1. **Visa and Residence Permit:**
Make sure to get a work visa that suits the type of work you will be doing. This visa must be issued by the Indonesian Embassy or Consulate in your home country. After arriving in Indonesia, you must also apply for the appropriate temporary residence permit (KITAS).
2. **Job Requirements:**
Make sure that you meet the job requirements appropriate to the type of work you will be doing. These requirements may include educational qualifications, work experience, or specific skills.
3. **Employment Contract:**
It is important to have a valid employment contract with the company or institution that will employ you. This contract must include all terms and conditions of employment, including salary, hours worked, leave, and other obligations.
4. **Reporting Certificate (STM):**
You need to get an STM (Letter of Reporting Certificate) from the Indonesian Ministry of Manpower which allows you to work in Indonesia. This is one of the important documents required to obtain a work visa.

5. **Health Checkup:**
Most foreign nationals must undergo medical examinations at medical facilities designated by the Indonesian government. The results of this health examination are needed to ensure that you are not carrying a contagious disease or health condition that could endanger society.
6. **Fees and Taxes:**
You need to understand the costs associated with granting work visas and residence permits, including application fees, medical fees, and other costs. Apart from that, also understand the tax obligations that apply while you work in Indonesia.
7. **Application Procedure:**
Make sure you understand the applicable application procedures, including the documents required to be submitted, where to apply, and processing times. Also, make sure to follow official instructions from the authorities.
8. **Security Check:**
Before getting a visa, you may be subject to security checks. This includes verifying your background and ensuring that you are not a threat to national security.
9. **Legal and Ethical Compliance:**
Make sure you comply with all applicable laws and regulations in Indonesia. Always act with good ethics and respect for Indonesian culture and social norms.
10. **Protection of Labor Rights:**
Understand your rights as a worker, including the right to fair wages, safe working conditions, appropriate working hours, and welfare protections.
11. **Language and Culture:**
Getting to know the Indonesian language and culture can help you integrate better in work and social environments. Being able to communicate in Indonesian is also a valuable asset.
12. **Permit Extension and Renewal:**
If your visa and residence permit have a limited validity period, make sure to renew and extend your permit by applicable regulations.
13. **Health Insurance:**
Consider having health insurance that covers medication and other health protection while you are in Indonesia.

Following these factors carefully will help foreigners navigate the process of granting a work visa in Indonesia smoothly and comply with all applicable regulations. Always be sure to check the latest terms and contact the relevant authorities or government agencies for accurate and up-to-date information.

4.2 Policy Concept for Granting Stay Visas for Foreign Citizens Who Want to Work in Indonesia

As a country with a rapidly developing economy and various industrial sectors that continue to develop, Indonesia has become a destination for many foreign nationals looking for work opportunities. The Indonesian government has formulated various policies and regulations to regulate the granting of residence visas to foreign nationals who wish to work in Indonesia. This regulation covers the types of visas,

requirements, and application procedures that apply to foreign nationals who wish to work in Indonesia.

Providing residence visas for foreign nationals who wish to work in Indonesia is a policy regulated by the government. The aim is to regulate and control the mobility of foreign workers, as well as ensure that foreign workers can work legally and by applicable regulations in Indonesia. In this case, several important points in the regulations for granting work visas in Indonesia are:[8]

1. Visa Type

The work visa policy in Indonesia includes various types of visas according to the purpose, length of stay, and type of work to be carried out by foreign nationals. Some types of work visas that are commonly granted include:

- a. Limited Stay Visa (KITAS): This visa is given to foreign citizens who will live and work in Indonesia for a certain period. This visa is often given to expatriates employed by companies in Indonesia.
- b. Permanent Stay Visa (KITAP): After several years of living and working in Indonesia with KITAS, foreign citizens can apply for a permanent stay visa if they meet certain conditions.

2. General Requirements

To obtain a work visa in Indonesia, foreign citizens must meet general requirements which include:

- a. Employment Contract: Foreign nationals must have a valid employment contract with the company or institution that will employ them. This contract must include all terms of employment, salary, and job responsibilities.
- b. Reporting Certificate (STM): An STM is a letter of initial approval from the relevant government agency indicating that there is work available and that a foreign national can be hired.
- c. Health Screening: Most foreign nationals must undergo a health screening to ensure that they do not carry infectious diseases or health conditions that could harm society.
- d. Passport and Prior Residence Permit: Foreign nationals must have a valid passport and must have a valid prior residence permit (visa) if they are already in Indonesia.

The Indonesian government has an important role in formulating and implementing policies for granting work visas to foreign citizens. Several government institutions related to granting work visas include the Ministry of Manpower, Ministry of Law and Human Rights, Ministry of Foreign Affairs, as well as Indonesian Embassies and Consulates in various countries.[9] Apart from that, advocate organizations, immigration agents and legal consultants can also assist foreign citizens in processing the work visa process in Indonesia. They can assist with filing documents, completing administrative procedures, and providing information regarding the latest rules and regulations.

Providing residence visas for foreign citizens who wish to work in Indonesia is an important step in supporting the mobility of foreign workers and economic growth in Indonesia. This policy sets out the types of visas available, the requirements that must be met, and the application procedures. By having clear and legally based procedures, Indonesia can attract qualified foreign workers and ensure that they comply with applicable regulations and rules. These steps support sustainable economic development and the growth of the industrial sector in Indonesia.[10] In the context of globalization

and international cooperation, granting work visas is also an important aspect of Indonesia's diplomacy and foreign relations with various countries. Indonesia continues to strive to maintain good relations with partner countries and facilitate the mobility of foreign workers by applicable cooperation agreements. With good regulations and consistent implementation, granting work visas can run efficiently and by the principles of justice and security.

Visa regulations are regulated in Article 90 of Government Regulation Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2013 concerning Implementing Regulations of Law Number 6 of 2011 concerning Immigration, as follows:

Article 90

- (1) An application for a visit visa is submitted by a Foreigner or Guarantor to the Minister or designated Immigration Official by filling in the data application and attaching the following requirements:
 - a. a valid passport that is still valid for at least 6 (six) months;
 - b. letter of guarantee from the Guarantor except for visits for tourism purposes;
 - c. proof of having living expenses for himself and/or his family while in Indonesian Territory;
 - d. return tickets or season tickets to continue the journey to another country except for the crew of the Transport Equipment who will stop by to join the ship and continue the journey to another country; And
 - e. color photograph.
- (2) If a Foreigner does not have a Guarantor for pre-investment purposes, the guarantee letter from the Guarantor as intended in paragraph (1) letter b can be replaced with proof of Immigration guarantee deposit.

Regulations regarding Residence Visas are further regulated in the Article below:

Article 102

- (1) A limited stay visa is granted to carry out activities:
 - a. to work; And
 - b. not in working order.
- (2) Activities in the context of work as intended in paragraph (1) letter a include:
 - a. as an expert;
 - b. join to work on ships, floating equipment, or installations operating in the waters of the archipelago, territorial sea, or continental shelf, as well as the Indonesian Exclusive Economic Zone;
 - c. carrying out duties as a clergyman;
 - d. carry out activities related to the profession by receiving payment;
 - e. carry out activities in the context of making films of a commercial nature and have received permission from the competent authority;
 - f. monitor the quality of goods or production;
 - g. carry out inspections or audits at company branches in Indonesia;
 - h. after-sales service;
 - i. installing and repairing machines;

- j. carrying out non-permanent work in the context of construction;
 - k. holding arts, music, and sports performances;
 - l. holding professional sports activities;
 - m. carry out treatment activities; And
 - n. prospective foreign workers who will work as part of a skills trial.
- (3) Activities not in the context of work as intended in paragraph (1) letter b include:
- a. undertake foreign investment;
 - b. participate in training and scientific research;
 - c. attend education;
 - d. family unification;
 - e. repatriation; And
 - f. second house.
- (4) Foreigners who can unite themselves with their families as intended in paragraph (3) letter d, namely:
- a. Foreigners who combine themselves with a husband or wife who is an Indonesian citizen;
 - b. Foreigners who combine themselves with a husband or wife who holds a Limited Stay Permit or Permanent Stay Permit;
 - c. children resulting from a legal marriage between a foreigner and an Indonesian citizen;
 - d. children who are not yet 18 (eighteen) years old and unmarried from foreigners who are legally married to Indonesian citizens; And
 - e. children who are not yet 18 (eighteen) years old and unmarried who join their parents who hold a limited stay permit or permanent stay permit.

Article 103

- (1) An application for a limited stay visa is submitted by a Foreigner or Guarantor to the Minister or designated Immigration Official by filling in the data application and attaching the following requirements:
- a. letter of guarantee from the Guarantor;
 - b. photocopy of valid and valid National Passport:
 - 1. a minimum of 12 (twelve) months for those who will carry out work in the Indonesian Territory for a maximum period of 6 (six) months;
 - 2. a minimum of 18 (eighteen) months for those who will work or live in the Territory of Indonesia for a maximum period of 1 (one) year; or
 - 3. a minimum of 30 (thirty) months for those who will work or live in the Indonesian Territory for a maximum of 2 years.
 - c. a statement of good behavior from the competent authority in the foreigner's country of origin or representative of the foreigner's country of origin;
 - d. the results of a health examination stating that they are free from infectious diseases that endanger public health;
 - e. proof of having living expenses for himself and/or his family while in Indonesian Territory; And

- f. color photograph.
- (2) Apart from attaching the requirements as intended in paragraph (1), for:
- a. Foreigners as intended in Article 102 paragraph (2) and paragraph (3) letters a and b, must also attach a letter of recommendation from the relevant government agency and/or institution by the provisions of the statutory regulations;
 - b. Foreigners who are legally married to Indonesian citizens as intended in Article 102 paragraph (4) letter a, must also attach a photocopy of the marriage certificate or marriage book;
 - c. Foreigners who combine themselves with a husband or wife holding a limited Stay Permit or Permanent Stay Permit as intended in Article 102 paragraph (4) letter b, must also attach a photocopy of the marriage certificate or marriage book;
 - d. children resulting from a legal marriage between a foreigner and an Indonesian citizen as intended in Article 102 paragraph (4) letter c, must also attach:
 - 1. photocopy of birth certificate;
 - 2. photocopy of marriage certificate or parents' marriage book;
 - 3. photocopy of valid Indonesian citizen father's or mother's identity card;
 - And
 - 4. photocopy of the family card of the Indonesian citizen's father or mother.
 - e. Children who are not yet 18 (eighteen) years old and unmarried from foreigners who are legally married to Indonesian citizens as intended in Article 102 paragraph (4) letter d, must also attach:
 - 1. photocopy of birth certificate;
 - 2. photocopy of marriage certificate or parents' marriage book;
 - 3. photocopy of valid Indonesian citizen father's or mother's identity card;
 - And
 - 4. photocopy of the family card of the Indonesian citizen's father or mother.
 - f. Children who are not yet 18 (eighteen) years old and unmarried who join their parents who hold a Limited Stay Permit or Permanent Stay Permit as intended in Article 102 paragraph (4) letter e, must also attach:
 - 1. photocopy of birth certificate;
 - 2. photocopy of marriage certificate or parents' marriage book; And
 - 3. Photocopy of the parent's valid Limited Stay Permit card or Permanent Stay Permit card.
 - g. Foreigners in the context of repatriation as intended in Article 102 paragraph (3) letter e, must also attach proof of having been Indonesian citizens.
- (3) If a Foreigner in the context of a second home as intended in Article 102 paragraph (3) letter f does not have a Guarantor, the letter of guarantee from the Guarantor as

intended in paragraph (1) letter a can be replaced with proof of deposit of the Immigration guarantee.

5 Conclusion

Providing residence visas for foreign citizens who wish to work in Indonesia is an important step in supporting the mobility of foreign workers and economic growth in Indonesia. This policy sets out the types of visas available, the requirements that must be met, and the application procedures. By having clear and legally based procedures, Indonesia can attract qualified foreign workers and ensure that they comply with applicable regulations and rules. These steps support sustainable economic development and the growth of the industrial sector in Indonesia. Visa regulations are stipulated in Article 90 of Government Regulation Number 48 of 2021 concerning the Third Amendment to Government Regulation Number 31 of 2013 concerning Implementing Regulations of Law Number 6 of 2011 concerning Immigration.

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