
**THE JURIDICAL REVIEW OF FOREIGN WORKERS DEPORTATION
DURING THE COVID-19 PANDEMIC IN INDONESIA REVIEWED
FROM A HUMAN RIGHTS PERSPECTIVE**

***A REVISÃO JURÍDICA DA DEPORTAÇÃO DE TRABALHADORES
ESTRANGEIROS DURANTE A PANDEMIA DO COVID-19 NA
INDONÉSIA REVISADA A PARTIR DA PERSPECTIVA DOS
DIREITOS HUMANOS***

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ABSTRACT

Objective: The government issued a policy for foreign workers who cannot return to their home countries, constrained by the validity period of residence permits during the Covid-19 pandemic. This study aims to determine how the deportation of foreign workers during the Covid-19 pandemic in Indonesia is reviewed from a Human Rights perspective.

Methodology: This study was qualitative research with a normative juridical approach that examined legal materials related to legal issues and arrangements regarding deportation and foreign workers in Indonesia. The data obtained was analyzed descriptively.

Results: In carrying out deportation actions against foreign workers in Indonesia, several aspects needed to be considered so that the actions of the Immigration Officials did not infringe the Human Rights owned by foreign employees, namely aspects of substance, procedural aspects, and aspects of respect, protection, and fulfillment of human rights. Therefore, Indonesia has the right to carry out administrative measures such as returning foreign nationals by deportation. If foreign



workers must deport based on the investigation results, then the concerned will be in the place of foreign workers room/house detention, considering at this time some countries still do not receive flights from Indonesia.

Contributions: Practically, this study contributes to improve the researcher's scientific knowledge related this topic. In addition, it also contributes to the discussion regarding the juridical of foreign workers deportation.

Keywords: covid-19; deportation; foreign workers; human rights; Indonesia.

RESUMO

Objetivo: O governo emitiu uma política para trabalhadores estrangeiros que não podem retornar aos seus países de origem, limitados pelo período de validade das autorizações de residência durante a pandemia de Covid-19. Este estudo visa determinar como a deportação de trabalhadores estrangeiros durante a pandemia de Covid-19 na Indonésia é revisada na perspectiva dos Direitos Humanos.

Metodologia: Este estudo foi uma pesquisa qualitativa com uma abordagem jurídica normativa que examinou materiais legais relacionados a questões legais e arranjos relativos à deportação e trabalhadores estrangeiros na Indonésia. Os dados obtidos foram analisados descritivamente.

Resultados: Ao realizar ações de deportação contra trabalhadores estrangeiros na Indonésia, vários aspectos precisavam ser considerados para que as ações dos Oficiais de Imigração não infringissem os Direitos Humanos de titulares de trabalhadores estrangeiros, nomeadamente aspectos de substância, aspectos processuais e aspectos de respeito, proteção, e o cumprimento dos direitos humanos. Portanto, a Indonésia tem o direito de realizar medidas administrativas, como o retorno de estrangeiros por deportação. Se os trabalhadores estrangeiros devem deportar com base nos resultados da investigação, então o interessado estará no local de detenção de quarto/casa de trabalhadores estrangeiros, considerando que neste momento alguns países ainda não recebem voos da Indonésia.

Contribuições: Praticamente, este estudo contribui para melhorar o conhecimento científico do pesquisador relacionado a este tema. Além disso, também contribui para a discussão sobre a legalização da deportação de trabalhadores estrangeiros.

Palavras-chave: covid-19; deportação; trabalhadores estrangeiros; direitos humanos; Indonésia.



1 INTRODUCTION

The Covid-19 pandemic in Indonesia will occur precisely in 2020 and change all aspects of life. In addition to the health sector, The Covid 19 epidemic has an effect on industry. Especially, the sustainability of employment and income. Data from the Ministry of Manpower on April 20, 2020 recorded that 2,084,593 workers from 116,370 companies are housed and affected by the termination of employment (Ngadi, 2020). It is because several companies decrease production and even stop producing. The global effects of the Covid 19 epidemic employment in Indonesia is very significant in terms of workers, employers, and independent businesses. The Covid-19 pandemic caused the wave of labor layoffs and declining revenues due to disrupted business activities in most sectors. There is 15.6% of workers suffered layoffs, and 40% experienced a decrease in income; among them, as much as 7% of staff profit drop to 50%. Entrepreneur side, pandemic led a halt in company project and a lack of talent to survive businessman. The survey results show that 39.4 % of businesses stalled, 57.1% of businesses decreased production, and only 3.5% were undamaged. Not many people have the ability to succeed in business. The forty one percent of entrepreneurs can only last in three months. A total of 24% of entrepreneurs can defend for 3-6 months, 11% can defend for the next 6-12 months, and 24% can stand more than 12 months. Meanwhile, the Covid-19 on independent businesses is brought to a standstill and partially decreased production. As much as 40% of autonomous business stop their company routine, and 52% experience decreased production activities (Ngadi, 2020)

Not only has an impact on the local workforce, but the Covid 19 pandemic impacts foreign workers in Indonesia. One of the most significant impacts in Bali is the tourism sector. The Covid-19 pandemic causes Bali's tourism to decline dramatically, even the closure of overseas reception and forcing some tourism sectors in Bali. For instance, hotels, villas, restaurants, and other entertainment venues are too close



because no tourists are visiting. The Covid 19 pandemic causes, the workers in the tourism sector to lose their jobs. Local workers and foreign workers in Bali tourism sector are also affected. Foreign workers who cannot return to their home countries will inevitably extend their residence permits. Otherwise, they will be subject to administrative sanctions. If the foreign worker does not comply with the applicable immigration regulations, one of the administrative sanctions is deportation can be imposed. However, it needs further review and consideration under the prevailing rules and laws.

A Deportation is an administrative act of immigration conducted by force to expel foreign nationals who commit dangerous activities on public order from the territory of Republic Indonesia, if the implementation authorized by Immigration officials. Article 75 paragraph (2) regulated administrative action to follow up on immigration issues. It aims to enable foreign workers to process deportations in the last hierarchy. Deportation is the state's final option for dealing with foreign nationals. Foreign nationals suspect of damaging order and endangering public safety or opposing the implementation of statutory provisions. The Deportation stipulated in Law No. 6 of 2011 on Immigration precisely in Article 1 number 36. If a citizen in Indonesia overstays more than 60 days after his/her visitation residence permit expires, this person may be deported. For example, foreigners who have a residence permit to visit, but secretly work in Indonesia or a residence permit as tourists but conduct political activities, commit criminal offenses, or have dangerous AIDS diseases can be deported. The issue of deportation of foreigners can be a diplomatic issue. The application of deportation measures based on the principle of respect, protection, and fulfillment of their human rights is highly expected (Arsika, Gusti, Dyah, & Purwani, 2016).

In these circumstances, the government has pioneered foreign work in various policies to address and adjust the conditions of the Covid-19 pandemic. One of them is Regulation of the Minister of Law and Human Rights No.11 of 2020 concerning Temporary Prohibition of Foreigners Entering the Territory of the Republic of Indonesia. The regulation issued by foreign workers on March 31, 2020, essentially



prohibits foreigners from entering/transiting the territory of Indonesia. However, there are exceptions, one of them is for foreigners who will work on national strategic projects. The contract runs out for foreign workers who are still in Indonesia, but they cannot return to their country because of the pandemic. The government provides relaxation by extending the permit as per Circular letter of the Minister of Manpower No.4 of 2020, the application for an extension. The description above illustrates how important it provides legal analysis that is theoretical or practical regarding Immigration. In particular, the writing of this study aims to find out how Immigration law arranges for foreign workers in Indonesia, how to implement deportations for foreign workers in Indonesia, and how Deportation when reviewed from a human rights perspective.

2 RESEARCH METHODOLOGY

This study was qualitative and took a normative-juridical stance. Legal resources about legal concerns and agreements governing deportation and foreign workers in Indonesia. The normative judicial strategy involved looking at, researching, and analyzing theoretical issues to solve problems. It dealt with doctrines, laws, rules, ideas, conceptions, and systems of law as well as related concepts (Leuwol, 2018). This method focused on gathering data from legal documents associated with the subject being examined (Soepadmo, 2020). In normative law, the study was known as several methods of approach. The statute approach was conducted by studying national, regional, and international legal instruments governing the issue of deportation and foreign workers in Indonesia. The analytical or conceptual approach was used to deepen human rights concerning aspects of human rights in the application of deportation of foreign workers in Indonesia. Lastly, the fact approach was intended to analyze the facts regarding the application of deportation measures for foreign workers in Indonesia.



3 RESULT AND DISCUSSION

3.1 IMMIGRATION LAW ARRANGEMENTS FOR FOREIGN WORKERS IN INDONESIA

According to Starke (2007) Immigration encompasses the entire process by which a nation enforces its laws, deciding whether to allow foreigners to enter its sovereign territory or not. Foreigners who entered a country's territory were subject to the same laws as its citizens, though not on an equal basis. There were several laws and regulations in the field of Immigration governing the issue of deportation of foreign workers in Indonesia. In Indonesian legislation, Law No. 6 of 2011 on Immigration (from now on referred to as the Immigration Law) is an instrument of national law regulating the issue of foreign workers in Indonesia, Immigration, and Deportation. In its description further, it has also published foreign workers Government Regulation of the Republic of Indonesia No. 31 of 2013 concerning the Implementation Regulation of Law No. 6 of 2011 on immigration (in the future referred to as Government Regulation on Immigration). Law No. 6 of 2011 on Immigration, governing the types of residence permits, as stated in Article 48 paragraph was:

1. Every Foreigner in the territory of Indonesia must have a residence permit.
2. The residence permit is granted to Foreigners by their Visa.
3. The residence permit, as referred to in paragraph (1), consists of:
 - a. Diplomatic residence permit;
 - b. Official residence permit;
 - c. Residence permit of visit;
 - d. Limited stay permit; and
 - e. Permanent residence permit.
1. The Minister was authorized to prohibit Foreigners who have been granted a residence permit from being located in certain areas of Indonesia.



2. Foreigners are undergoing detention for the process of investigation, prosecution, and examination at a court hearing or undergoing criminal confinement or imprisonment in a correctional institution, while the residence permit has passed the time, the Foreigner is not subject to the obligation as referred to in paragraph 1 (Indonesia, 2011a).

Article 39 of the Immigration act outlined that a limited stay visa was granted to foreigners who worked. The explanation of provision further described that this type of visa in its application can be given to conducting activities in the framework of work, such as an expert, carrying out duties as a clergyman, supervising the quality of goods or production (quality control), and conducting professional sports activities (Explanation Article 39 a, Law No.6 the Year 2011 on Immigration). The above provisions stipulate that foreigners can work in Indonesia administratively by holding a limited stay visa. Furthermore, they can also work in Indonesia by holding a permanent residence permit in Article 54 paragraph (1) of the Immigration Law (Arsika et al., 2016).

Thus, foreign nationals who work in Indonesia for a relatively long time did not have enough limited visas to stay because the substance of the visa was a written letter that contained approval for foreigners to travel to the territory of Indonesia (Article 1 (18) Law No. 6 of 2011 on Immigration). The residence permit granted to foreigners to be in Indonesia (Article 21 Law No.6 of 2011), especially permanent residence permits, certainly has a stronger legal status because they were an absolute license to reside and settle in Indonesia as a resident of Indonesia (Arsika et al., 2016).

To cease the deployment of Covid-19, the Government of Republic Indonesia temporarily prohibits foreigners from entering/transiting in the territory of Indonesia. As for who can enter the territory of Indonesia, such as:

1. Indonesian citizen
2. Holders of valid visas and/or residence permits through certain Immigration checkpoints after complying with health protocols.
3. The crew of transportation that comes by using the transport.



4. Foreigners who hold Asia-Pacific Economic Cooperation (KPP APEC) business travel card (Imigrasi, 2010).

Regarding the issuance of the foreign work circular Letter of the task force handling Covid-19 Number 8 of 2021 on International Travel Health Protocol during the coronavirus disease pandemic 2019, letter of the Director-General of Immigration No. IMI-GR.01.01-0331 of 2021 concerning the affirmation of the circular letter of the Director-General of Immigration No. IMI-1555 GR.01.01 of 2020 on visa and residence permit policy in the adaptation period of new habits and the circular letter of the minister of human resources number M/3/HK.04/II/2021 concerning the use of foreign workers to prevent the entry of coronavirus disease 2019, the policy issued was:

1. Temporary suspension of the licensing service process for using foreign workers for new applications.

2. Temporary termination as referred to number 1 for foreign workers on national strategic projects known as PSN and strategic/national vital objects based on consideration or written special permission from the relevant ministries/institutions.

3. Employers can apply for the use of Foreign workers who are still in the territory of Indonesia.

4. This circular letter shall come into force on February 9, 2021 until the deadline determined by the task force on handling Covid-19 (Indonesia, 2016).

Granting visas to foreigners residing in Indonesia (*onshore visa*) was an innovation made by the Directorate General of immigration, considering the Covid-19 epidemic thus foreigners whose residence permits run out can apply for visas without needing to leave the territory of Indonesia. Foreign nationals who have not been able to return to their country can extend their residence permit by an undetermined time limit. Immigration continued to provide the best service for all citizens, including foreigners. However, the granting of emergency residence permitted due to Covid-19 constraints must be performed directly at the Immigration Office about the mechanisms and regulations in force and still put forward the health protocol of Covid-19 (Marzuki, 2020).



According to Law No. 6 of 2011 on immigration in its implementation, residence permit visits required supervision by Immigration Officials with special immigration education and technical expertise in immigration. It has the authority to carry out duties and responsibilities under the Law. At the time of visa application, entry or exit, and the awarding of residency permits, immigration surveillance of immigrants was made by gathering, preparation, showing data and explanation. Through supervision of foreigners' presence and actions on Indonesian territory, as well as picture and fingerprinting and other activities that could be allowed, a list of foreigners subject to prohibition, was created (Hahamu, 2019).

a. DEPORTATION OF FOREIGN WORKERS IN INDONESIA

Deportation is a term derived from the English word deportation, which has several equivalent words, namely expulsion and exile (Arsika et al., 2016). Deportation is an Administrative act of immigration performed by force to expel foreign nationals suspected of dangerous activities on public order from the Republic of Indonesia. It happened if the Immigration Officials only authorized the implementation. Chapter VII of the Immigration act governed Immigration Administrative measures. It was established that foreigners who engaged in high-risk activities or were suspected of representing a threat to public safety and order and disobeying or disrespecting the law could be subject to administrative Immigration actions by Immigration Officers. Including one of them in the form of Deportation from the territory of Indonesia (Article 75 paragraph (1) and (2) Law No. 6 of 2011). Other types of Immigration Administrative measures included inclusion in the list of prevention; restrictions, changes, or residence permits annulment; interdiction to be located in one or more specific area Indonesia; a necessity to stay in a particular area Indonesia.

Article 75 paragraph (2) regulated Administrative action to follow up on Immigration issues of four foreign workers deportation processes in the last hierarchy. Therefore, Deportation is the state's final line of defense when it comes to



foreign nationals suspected of disturbing the peace, threatening public safety, or resisting the implementation of legal rules (Yasa & Arsani, 2020). Concerning residence permits, it is clearly stated in Article 78 paragraph (1) of the Immigration Law that foreign nationals should take care of a residence permit. Furthermore, if the permit has been held, then this foreign national has the right to live in the territory of Indonesia under the stated time limit. If, after the expiration of residence permit, the foreign national still inhabits the territory of Indonesia for less than 60 days outside the time limit of residence permit, then the foreign national may be charged a fee that corresponds to the provisions of legislation (Yasa & Arsani, 2020). Moreover, more than 60 days from the expiration of the dwelling permit, foreign nationals still inhabit the territory of Indonesia. Indonesia has the right to take Administrative actions such as returning foreign nationals by Deportation or arrest (Indonesia, 2011b). Paragraph 2 shall be stipulated concerning foreign nationals about the payment of expenses, then Immigration Administrative Measures in the Deportation form. Deportation can be taken if a foreign national did not fulfill people's obligation to pay the cost of expenses.

One of the cases in Bali was interesting to look at the deportation of four foreigners, namely Nicholas William Thomas (England), Nancy May (England), Steven Thomas (England), and Marina Naloni (the United States). It was revealed that they misused visa on Arrival to work at one of the salons in Oberoi Street, Seminyak, Badung Regency. In a press conference related to this case, the Head of Immigration Supervision and Enforcement of Ngurah Rai special class I Immigration Office, MoHak Manusiaad Soleh, who was accompanied by the Head of Immigration Supervision Section, Tri Hernanda Reza, and Head of Immigration Communication Facilities Section, Danny Ariana explained that the evidence in the form of video, photos, and confessions of the four foreigners showed that they had worked in the salon since the beginning of November 2014. Interestingly, this news suggested that the Head of Immigration Supervision and Enforcement of the Immigration Office class I special Ngurah Rai instead mentioned foreign workers that the four foreigners must receive sanctions contained in Article 122 Letter an Immigration Law, where the sanctions in the form of deportation plus an antidote (or blocklist) to re-enter Indonesia for the next



six months calculated after deportation (Pos Bali, 19/11/2014) (Yasa & Arsani, 2020). There seemed to be a slight oddity when we looked at the news. The content of Article 122 letter an immigration law contained the threat of imprisonment for a maximum of 5 (five) years and a maximum fine of Rp 500,000,000.00 (five hundred million rupiahs) for any foreigner who deliberately abused or engaged in activities that were not under the aims of residence permit expected (Ginting, Rani, & Ali, 2014). Based on the news, the sanctions given are not prison sentences or criminal fines but actions taken precisely in the form of deportation and arrest, which is a form of Administrative action as stated in Articles 234 and 236 in government regulation No. 31 of 2013.

Another recent case dragged a foreign national from American Christian Gray due to his distorted remarks on social media. The first point, Kristen Gray called it a foreign laborer living in Bali full of comfort because it was never in question about taxes and Immigration affairs. Another point Kristen Gray considered inappropriate was mentioning that access to Indonesia during the Covid-19 pandemic was not very strict. The statement was contrary to the circular letter of the assignment force on Covid-19 number 2/2021 concerning International Travel Health Protocols during the Covid-19 pandemic, and the circular letter of the Directorate General of Immigration on temporary restrictions on the entry of foreigners in territory of Indonesia. Based on examination conducted by the Immigration Office Class I TPI, Denpasar alleged Gray had disseminated information that is considered troubling to the public. Follow-up foreign nationals from America on behalf of Christian Antoinette Gray are subject to immigration crimes in the form of Deportation or expulsion as such Article 75 paragraph 1 and 2 letter f Law 6/11 on Immigration, based on information from the Kanwil Kemenkum Human Rights Bali, Jamaruli Manihuruk (Yusuf, 2021).

b. DEPORTATION REVIEWED FROM A HUMAN RIGHTS PERSPECTIVE

The state has the right to deport foreign nationals but is also limited by the principles of international law on the treatment of foreign nationals by holding



international treaties (Kusumaatmadja, 1999). Although Indonesia, as an immigrant-receiving country, has the right to provide legal action against foreign nationals in its territory, it is certainly limited by the rights of immigrants, who have human rights. Deportation is an act of coercion that its implementation must not pass through its humanitarian values and human rights (Yasa & Arsani, 2020). A person's civil and political rights may be violated if that person is deported arbitrarily and inhumanely. Even though deportation is an act of coercion, its implementation must not pass through its humanitarian values and human rights (Yasa & Arsani, 2020).

In the context of Human Rights, arbitrary deportations can qualify as violations of each individual's civil and political rights. Article 28D paragraph (1) of the Constitution of the Republic of Indonesia of 1945 stated, " Everyone has a right to the acceptance, assurance, safety, and certainty of just laws and equal treatment under the law." In the context of the right to security, Article 34 of Law No. 39 of 1999 on Human Rights (in the future referred to as the Human Rights Act) stated that "Everyone should not be arrested, detained, tortured, ostracized, exiled, or arbitrarily exiled" (Arsika et al., 2016).

Some major international treaties in the field of Human Rights Treaties are also related to the issue of deportation. If the Universal Declaration of Human Rights (UDHR) has a soft law character, it is different from the following international treaties with the binding legal force for the country that ratified it. Article 12 paragraph (1) of the International Covenant on Civil and Political Rights (ICCPR) stated that an international treaty ratified by Indonesia through Law No. 12 of 2005, actually affirms the substance contained in Article 13 of UDHR by stating that everyone who is legally within the territory of a State, is entitled to freedom of movement and freedom to choose his/her place of residence in the territory. Specific provisions approaching the issue of deportation can be seen in Article 13 of the ICCPR, which specifies that foreigners living in foreign employment are subject to Article 13 paragraphs (1) and (2) of the UDHR which states that everyone is free to move/go to and live within the territorial boundaries of each country and has the right to leave a country, including his country, and return to his/her country. *Argumentum a contrario*, this provision can be interpreted



as the right that everyone has not to return to his country for any reason, including by coercion. Specific provisions approaching the issue of deportation can be seen in Article 13 of the ICCPR, which specifies that legally, foreigners living in a country cannot be expelled without a decision issued under the law. The expelled party should also be allowed to object to his expulsion. The legality of an act of deportation will be determined by a procedure based on law rather than on potentially arbitrary political interests.

The most detailed international Human Rights Arrangements on deportation can be found in Article 22 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). This provision stipulates that each case of expulsion must be examined and decided individually. That migrant workers and their family members may be expelled from the territory of a Party-State for a decision taken by an authorized officer under the law. The state should take adequate steps in the process of deportation of foreign nationals in order to maintain the human right to live a decent life. In this case, foreign nationals to be deported are treated appropriately and under the provisions above of the article in the room or house of immigration detention. Besides that, deportation is an administrative measure of an individual nature. No family members or relatives of foreign nationals will be deported, treated inappropriately, or deported. Although family members take actions that require deportation, deportation proceedings cannot be implemented. The implementation of investigations must be processed separately and individually (Yasa & Arsani, 2020). For foreign nationals who are children, or things that cause foreign nationals to be separated from their children, immigration officials also treat these children specifically. It is also stipulated in Article 14 paragraph (1) of the International Convention on Civil and Political Rights. Not also forgetting that foreign nationals who have disabilities have the right to facilitate reasonable accommodation and are treated with the principle of equality (Yasa & Arsani, 2020).

In the national context, the Immigration Law has been prepared by paying attention to aspects of Human Rights. Respect for the value of Human Rights can be seen in the Government Regulation on Immigration. There is an affirmation that



immigration officials are authorized to four-worker foreign workers in the Immigration Detention Room and Immigration Detention House if Foreigners await the implementation of Deportation (Article 208 (1) letter d and Article 209 letter d of Government Regulation No. 31 of 2013). Furthermore, Article 214 of the Government Regulation on Immigration stated that foreign workers that the Detention of Foreigners is carried out until Deteri is deported within no longer than 10 (ten) years. For these foreigners, the Minister or designated Immigration Officer may grant permission to be outside the Immigration Detention House for the detention (Article 220 paragraph (1) of Government Regulation No.31 of 2013).

In carrying out deportation actions against foreign workers in Indonesia, several aspects considerations that the actions grabbed by the Immigration Officials do not infringe the Human Rights owned by foreign workers; namely aspects of substance, procedural aspects, as well as aspects of respect, protection, and fulfillment of human rights.

1) *Aspects of Substance*

Before imposing deportation administrative action on foreign workers, many substances need to be clarified. In other terms, this process can be referred to as a due diligence obligation. It also needs to be considered a substantive aspect of the imposition of deportation measures. Another thing is about the clarity of the status of the person to be deported, whether it is still recorded as a foreign worker or not. In this regard, clarification can be made to employers and/or the Employment Office (Arsika et al., 2016).

2) *Procedural Aspects*

In addition to the substance aspect, a set of internal procedures must also be regarded to confirm that deportation process are taken through the correct procedures. Thus, Law No. 6 of 2011 on Immigration, Government Regulation of the Republic of Indonesia No. 31 of 2013 concerning The Implementation Regulation of Law No. 6 of 2011 on Immigration, The Regulation of the Minister Law, Human Rights and Director General of Immigration relating to deportation issues certainly need to adhere.



3) *Aspects of Respect, Protection, and Fulfillment of Human Rights*

Principally, the immigration officers in the process of deportation of foreign workers, especially those containing decisions to perform detention, namely the implementation of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) that Indonesia has ratified through Law No. 11 of 2005. Referring to Article 11 of the ICESCR, everyone, including foreign workers who will be deported, has the right to adequate food, housing, and shelter. The fulfillment of these rights needs to be addressed as human rights as fulfillment in a detention situation in the immigration detention room or immigration detention house.

4 FINAL CONSIDERATIONS

Workers in Indonesia have been impacted significantly by the Covid-19 epidemic. Foreign workers were affected by this pandemic as well as local workers. Due to the pandemic, businesses that employed foreign workers had to close, costing those workers their jobs. To survive, individuals can look for alternate employment. Many foreign workers have been unable to travel back to their native countries due to the epidemic. They are forced to stay longer due to this requirement, which is tied to the length of the permission-owned period. Foreign workers must take care of the extension of residence permits to avoid administrative penalties from immigration authorities.

Furthermore, Indonesia has the authority to take administrative measures, such as deporting or arresting foreign nationals and returning them. Given that certain countries have still not received planes from Indonesia, if any foreign workers need to be deported due to the investigation, the concerned will take their place among the foreign workers in a room or home confinement. In order to provides that the actions performed by the Immigration Officials do not infringe the Human Rights owned by foreign workers, several factors, including substantive and procedural factors, must be considered while deporting foreign workers in Indonesia.



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