

## Draft Government Regulations: New Immigration Provisions



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The government has published draft regulations relating to immigration. The draft will amend Government Regulation Number 31 of 2013 concerning Implementation Regulations of Immigration Law Number 6 of 2011.

The draft broadens the definitions of visa and stay permit, which will include an electronic visa and stay permit, currently the definition of visa and stay permit in the prevailing Government Regulation is written evidence to travel within Indonesia.

The draft also introduces a new category of visit visa allowing foreigners to travel within Indonesia for the purposes of pre-investment.

The draft introduces limited stay visa to allow all foreigners who wish to make Indonesia their second home if the applicant submits:

- a passport;
- a certificate of good behaviour from an official in their country of origin; and
- medical check- up results.\*

The draft also extends stay permit periods. Under the draft regulations, a temporary stay permit can be granted for a maximum of 5 years and can be extended, it seems, indefinitely.\*\*

The regulations are still in draft form, and its provisions may yet change.

\*Art 141 (2) (i) Draft Government Regulations Draft (note: including a temporary guarantee for a second home in a bank account)  
\*\*Art 148 Draft Government Regulations.

## Draft Regulations: Penalties for building on forested land

The Omnibus Law\* was enacted on 2 November 2020, and its implementing regulations should be issued by February 2021. Many of the draft implementing regulations are available for review including the draft government regulations relating to fines for businesses that have built on forested land.\*\*

The Draft Government Regulations lighten the penalties for plantation and mining operations on forestry land without the necessary permits, carried out prior to the enactment of the Omnibus Law. The Draft Regulations provide for administrative penalties for this type of breach, which, if brought into law, will replace the criminal penalties that currently apply.

The Draft Regulations list 2 types of administrative penalties for breach of the law

These are:

- payment to the Provision of Forest Resources and Reforestation Fund - this penalty is imposed on those businesses that have a location/plantation business licence and are in breach of the law; and
- temporary suspension of business activities, administrative fines, and/or government coercion.

The Draft Regulations state that businesses that are in breach and have had administrative penalties imposed, may apply to have the relevant land released from its protected status. This release may be conditional, for example, a condition may be imposed to plant forest trees between palm plants.

The Draft has not yet passed into government regulation, and its provisions may yet change.

\*Law No. 11 of 2020 concerning Job Creation

\*\*Government Regulation Draft concerning procedures for imposing administrative penalties and non-tax state revenues derived from administrative fines for businesses that have built on forested land.



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